

aggregate. To my mind the greatest economic waste in our country to-day, and one of the greatest handicaps in the extension of our foreign trade, arises from the fact that we have failed to follow the example of Germany and develop and use our waterways. There is very little, if any, sentiment in trade; the buyer in South America, in China, or anywhere else, will always take the goods which are cheaper in price while equal in quality, and it matters little or nothing at all to him in what country they were made.

"Sometimes figures are published to show how small a percentage of the selling price is due to transportation, but such figures as I have seen count only the freight on the finished product. This is a superficial view and leads to a false conclusion, for crude materials often go through many processes in different parts of the country. The finished product goes from factory to wholesaler, from wholesaler to jobber, and from jobber to retailer, before it reaches the consumer, and every time it moves from place to place it must bear a transportation cost. Besides, transportation affects the cost of the home in which the workman lives, of the food which he eats, and of the clothes which he wears, and what it costs the workman to live affects the wage which the manufacturer must pay, so the price of the finished product, when it reaches the consumer's hands, has been increased not merely once but possibly a score of times by the cost of transportation. It is evident, therefore, that the nation which has the lowest transportation cost has a tremendous advantage in the competition for foreign trade.

"As was well said by Mr. Vanderlip last evening, this body of men and the business men of the country whom you represent can control public opinion, and every consideration, from the loftiest patriotism to enlightened self-interest, demands that the business men of the United States should put their feet down hard on the senseless and slanderous charge of 'pork barrel' and see to it that the Government of the United States immediately begins and continuously prosecutes the work of improving our rivers and harbors until we have a great, connected national system of waterways working in complete harmony and cooperation with our splendid system of railways and the magnificent system of highways which is already begun.

"Much is said in these days concerning national preparedness, and improved waterways promote national preparedness either for peace or war, for sustained military efficiency and continued commercial supremacy are both founded upon industrial development: industrial development depends upon cheap transportation, and the cheapest of all transportation is water transportation."

I thank the Senators for their patience and the attention which they have given me.

Mr. OWEN. Mr. President, I am in sympathy with the Senator from Louisiana in having published these interesting remarks, but I want to direct the attention of the Senate to the fact that the rules of the Senate of the United States are ridiculous.

The VICE PRESIDENT. Shall the bill pass?
The bill was passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OWEN:

A bill (S. 3932) to provide for a determination of heirship in cases of deceased members of the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Tribes of Indians in Oklahoma, and conferring authority on the courts of said States in reference thereto, and for other purposes; to the Committee on Indian Affairs.

By Mr. SUTHERLAND:

A bill (S. 3933) granting an increase of pension to Oakley Randall; and

A bill (S. 3934) granting an increase of pension to J. Forsyth Harrison; to the Committee on Pensions.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 70. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, was read twice by its title and referred to the Committee on the Library.

WAR EXCESS-PROFITS TAX REGULATIONS.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was referred to the Committee on Printing:

House concurrent resolution 33.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed 350,000 copies of the war excess-profits tax regulations No. 41, 100,000 copies for the use of the Senate and 250,000 copies for the use of the House of Representatives, the same to be distributed through the folding rooms.

INCOME-TAX REGULATIONS.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was referred to the Committee on Printing:

House concurrent resolution 37.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed 350,000 copies of the income-tax regulations No. 33, revised, 100,000 copies for the use of the Senate and 250,000 copies for the use of the House of Representatives, the same to be distributed through the folding rooms.

ADJOURNMENT UNTIL MONDAY.

Mr. MARTIN. I move that the Senate adjourn until 12 o'clock meridian on Monday next.

The motion was agreed to; and (at 6 o'clock and 10 minutes p. m., Friday, February 22, 1918) the Senate adjourned until Monday, February 25, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 22, 1918.

The House met at 11 o'clock.

The Rev. Charles Wood, of Washington, D. C., offered the following prayer:

Let us pray. O Thou God of the loving heart and the open hand, Thou who art a living love that dost will the blessedness of others, we thank Thee to-day for Thy boundless benefactions to us as a people. Thou who hast led through countless centuries the stars and the suns across the boundless reaches of space, Thou didst graciously lead our fathers to this land. Thou didst protect and preserve them, and Thou hast guided us through all the vicissitudes of the centuries. God of our fathers, we pray that Thou wilt be our God. May we serve Thee and Thee only. Wilt Thou direct and control the deliberations of these Thy servants this day that their decisions may be not only for the welfare of this land of ours that we love, but of the whole world. Wilt Thou work so vitally through us as a people that there may come to the world now being wrecked by war a permanent peace. May the gates of cruelty be overthrown and may injustice and inhumanity be trampled under the indignant feet of men. And grant, we beseech Thee, that to-day, this anniversary day, as we look backward across the decades that have passed we may behold growing ever and ever more majestic the figure of our first President, and as millions will remember his life and services to-day may the prayer rise from their hearts that the same principles by which his life was swayed, the same purposes which he sought so determinedly, may become the principles and the purposes of all our citizens. We pray that Thou will bless our President and grant that whole-hearted and nonpartisan support may be given to him in these distressing days. And bless the officers and men of our Army and of our Navy, and grant that all who battle and all who serve here at home may know that in Thine own good time, speedily to please Thee, there shall come a victory in which the whole world shall rejoice. And to Thy name shall be the praise. Amen.

The Journal of the proceedings of yesterday was read and approved.

WASHINGTON'S FAREWELL ADDRESS.

Mr. GARRETT of Tennessee. Mr. Speaker, I believe there is a special order for to-day.

The SPEAKER. Yes; 30 minutes are to be granted to the gentleman from Ohio [Mr. Fess].

Mr. GARRETT of Tennessee. If it is agreeable to the gentleman to yield for a moment for me to make a unanimous-consent request before he begins, I desire to say it has been the custom for many years to have read upon this day from the Clerk's desk the Farewell Address of the first President of the United States, and I desire to ask unanimous consent, not to interfere with the existing order, that the gentleman from Louisiana be recognized to read Washington's Farewell Address.

The SPEAKER. Which gentleman from Louisiana?

Mr. GARRETT of Tennessee. Dr. ASWELL.

The SPEAKER. The gentleman from Tennessee asks unanimous consent, as preparatory to the address by the gentleman from Ohio [Mr. Fess], that the gentleman from Louisiana [Mr. ASWELL] read Washington's Farewell Address. Is there objection? [After a pause.] The Chair hears none.

HOUSE OF MEETING ON MONDAY.

Mr. JOHNSON of Kentucky. Mr. Speaker, before that is done I wish to ask unanimous consent that the House meet next Monday at 11.30, for the reason that the gentleman from Illinois [Mr. RAINEY] has secured unanimous consent to address the House for 30 minutes upon that day.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that on next Monday the House meet at 11.30.

Mr. ESCH. I think that request was subject to the possibility that the railroad bill might still be under consideration and run into Monday.

The SPEAKER. The Chair will ask the gentleman if he does not think the prospects are good for the railroad bill to run into Monday?

Mr. ESCH. I think they are very good.

Mr. SIMS. Mr. Speaker, perhaps some others of us may have a different view, and I now desire to say that I am going to ask the Committee of the Whole House on the state of the Union to remain in session until the bill has been disposed of in the Committee of the Whole House on the state of the Union, and ask that the previous question be ordered on the committee's report, and then it can go over until Monday for a vote.

Mr. GILLET. The gentleman does not mean that he is not going to allow the amendments Members may desire to offer to be offered?

Mr. SIMS. Certainly not; but I want the Committee of the Whole House on the state of the Union to remain in session until it disposes of all amendments.

Mr. GILLET. There may not be time.

Mr. LENROOT. There will be 72 hours straight work if the gentleman undertakes that.

Mr. SIMS. That indicates the gentleman has a very long list of amendments.

Mr. LENROOT. Certainly we have.

The SPEAKER. Is the gentleman from Tennessee making a request or a speech?

Mr. SIMS. I am giving notice.

Mr. GILLET. Mr. Speaker, temporarily I shall object.

The SPEAKER. To the meeting at 11.30 on Monday?

Mr. GILLET. Yes, sir.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the following personal request.

The Clerk read as follows:

Hon. CHAMP CLARK,
Speaker of the House, Washington, D. C.

HONORABLE SIR: Mr. LOUIS W. FAIRFIELD, of Indiana, begs to be excused Friday and Saturday, February 22 and 23.

Respectfully,

LOUIS W. FAIRFIELD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

RATIFICATION OF CONSTITUTIONAL AMENDMENT WITH REFERENCE TO INTOXICATING LIQUORS.

The SPEAKER. The Chair lays before the House a communication from the governor of the State of South Carolina.

The Clerk read as follows:

FEBRUARY 19, 1918.

MY DEAR MR. CLARK: In accordance with the provisions of the joint resolution ratified by the South Carolina Legislature, I have the honor to transmit herewith a true copy of the said preamble and resolution. The title of the resolution is as follows:

"A joint resolution ratifying a proposed amendment to the Constitution of the United States of America prohibiting the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof, for beverage purposes, and to provide means for the enforcement thereof."

With high esteem and personal regards, I am

Cordially, yours,

RICHARD L. MANNING, Governor.

WASHINGTON'S FAREWELL ADDRESS.

The SPEAKER. The gentleman from Louisiana [Mr. ASWELL] will read Washington's Farewell Address.

Mr. ASWELL read the address, as follows:

To the people of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you, but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that while choice and prudence invite me to quit the political scene patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States under the auspices of liberty may be made complete by so careful a preservation and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which can not end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many arti-

fices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess are the work of joint counsels, and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common Government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The West derives from the East supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one Nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalry alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the

auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—northern and southern—Atlantic and western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and actions of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the Nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the

pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system; and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind—which nevertheless ought not to be entirely out of sight—the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms, kindles the animosity of one part against another, foment occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the Government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country

and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates, but let there be no change by usurpation, for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object—which is always a choice of difficulties—ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded; and that, in place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment,

sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me fellow citizens), the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim not less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture we may safely trust to temporary alliances for extraordinary emergencies.

Harmony and a liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things, diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the destiny of nations; but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism, this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his pro-

genitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GO: WASHINGTON.

UNITED STATES, 17th September, 1796.

[Applause.]

Mr. WALSH. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. WALSH. To make the point of order that there is no quorum present.

The SPEAKER. The Chair will count.

Mr. WALSH. Mr. Speaker, I will withdraw the point.

OMNIBUS PENSION BILL.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that the omnibus pension bill, H. R. 10027, follow immediately the conclusion of the consideration of the present railroad bill now under consideration.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the pension bill follow immediately after the passage of the pending bill, if it ever passes. [Laughter.] Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, what is the request?

The SPEAKER. That the omnibus pension bill follow immediately the passage of the pending bill.

Mr. JOHNSON of Kentucky. Will that interfere with District day on next Monday?

The SPEAKER. If it happens to come on next Monday, it would.

Mr. JOHNSON of Kentucky. I shall be compelled to object, Mr. Speaker. I do not object if it comes up now.

The SPEAKER. He is not asking for it to come up now. Is there objection?

Mr. JOHNSON of Kentucky. If the gentleman will make his request subject to noninterference with the District of Columbia day, I will not object. I understand, Mr. Speaker, that the gentleman qualifies his request to that extent.

Mr. SHERWOOD. I will do that.

The SPEAKER. The gentleman from Ohio [Mr. SHERWOOD] requests that the pension bill, H. R. 10027, follow immediately after the conclusion of the railroad bill, not to interfere, however, with the District of Columbia business.

The Chair would like to ask the gentleman from Kentucky [Mr. JOHNSON] a question. Is that the same bill they had up here the other day?

Mr. JOHNSON of Kentucky. It is.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. SHERWOOD]?

Mr. LANGLEY. Mr. Speaker, I did not catch it.

The SPEAKER. The gentleman wants to consider this pension bill as soon as this other one is out of the way.

Mr. LANGLEY. That is all right. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Ohio [Mr. FESS] is recognized for 30 minutes. [Applause.]

GEORGE WASHINGTON.

Mr. FESS. Mr. Speaker and Members of the House, in 1889, 100 years after the inauguration of Washington as our first President, a symposium of the leading thinkers of the world was published of the opinions concerning him.

Of the opinions that were offered I want to read three. The first is from Louis Philippe, Comte de Paris, giving the French opinion:

I admire him still more now since I have seen how republican institutions are understood and practiced in France.

I want to read a British opinion, from probably the greatest British mind of English history, W. E. Gladstone:

All I can say is that I look upon Washington among great and good men, as one peculiarly good and great, and that he has been to me for more than 40 years a light upon the path of life.

I want to read an opinion of the central powers, coming from the great fugitive, Louis Kossuth, who came to America in 1852 to find shelter from the persecution in Austria-Hungary. Writing from Turin, Italy, where at the age of 87 he was living in retirement, away from the country he loved, and referring to our Government which Washington inaugurated, he says:

That stupendous incarnation of pure democratic principle which has the providential mission to guide the future ages of mankind on the road of infinite progress.

These opinions are in keeping with that of the great English historian, Edward A. Freeman, who expressed his appreciation in this sentiment:

Washington, the expander of England.

It might seem presumptuous for a Member of this House in this year of 1918, so far removed from the days since he lived and labored, to undertake to throw a new light upon the life of this great man, but I would like to view him from at least a new angle and to have your attention to three episodes in his life from which we can study his influence in the shaping of modern government. His reputation is safe, and his place in history as a warrior is common knowledge; his rank as a citizen is as familiar as our own childhood, while his place as our first great citizen from every angle of estimate is assured. But I wish to see him now in his influence in shaping modern government as witnessed from three events in his life.

The first episode is when he saved the State of Franklin, that portion of western North Carolina now known as Tennessee, from taking the dangerous step of secession in 1784 by joining the foreign power of Spain, which then owned the Mississippi country, in order to get the free outlet of the Mississippi River; and thereby, through the influence of Washington, who prevented it, the dangerous experiment of secession was defeated even before the Nation was born.

The second episode is as the president of the Constitutional Convention, a group of men 56 in number, most of whom had served in the second Continental Congress, about which William Pitt, standing under the corridors of the House of Commons, declared that "for solidity of reasoning, wisdom of conclusion, and force of sagacity that body of men has never been excelled in the history of the world." Washington, as the presiding officer of that great body of men, exercised such supreme influence and thereby contributed to the history of modern government in the world, I think, its greatest contribution, in the form of our Federal Constitution.

The third episode in his life to which I will refer is when called by unanimous consent to inaugurate the fundamental principles as written, first, in the Declaration of Independence and, second, in the Constitution of the United States in practical government as he inaugurated them in 1789. Briefly, I must look at these episodes, in order to throw light upon Washington's far-reaching influence, and also to aid in interpreting the present time and, if possible, predicate the future, if we may.

In 1784 the people of western North Carolina, shut off from their kin on the Atlantic seaboard by the mountains, had no possible way to purchase the things they needed, that they could not produce, except to do it through the mouth of the Mississippi River. Spain held control of this outlet and laid a heavy tribute upon all who wanted to trade. The Government was appealed to for relief, and John Jay was sent to effect a treaty. The best he could do was to agree to a close of the mouth of the Mississippi for 25 years, after which it was to be opened to these people. The people of western North Carolina, resenting what appeared a total lack of regard for justice to them on the part of the Government, took steps for relief and erected a separate State, elected John Sevier as governor, proceeded to elect an independent legislature, and made overtures to Spain to join her. Here is the earliest step toward the dangerous experiment of secession employed later on in 1861, which precipitated the Civil War. Washington was the only figure that seemed to have comprehended the danger.

He saw the possibilities of the great Mississippi Valley if permitted to develop uninterruptedly and not be prevented by any portion joining a foreign power. He wrote a letter to Thomas Jefferson and another to Gov. Harrison, of Virginia, setting out the possibilities of uniting the interior of the country with the seaboard States, and to this end he recommended the appointment of a committee to report a mode of canal building, aided by a system of forage, to carry the goods from the headwaters of the Ohio to the headwaters of the Potomac, thereby making a trade route from the Atlantic, through the Potomac, via canal to the Ohio, thence Mississippi to Gulf. Quite naturally when he recommended this possibility, objections were offered as to finance and other items of expense. Washington replied with his wonderful comprehension of what the Mississippi Valley was yet to be. His recommendations in numerous letters are most illuminating on these possibilities. And I want to say to this Membership that I believe that Washington had a clear comprehension of this undeveloped empire in the Mississippi Valley, although it was but a wild waste of country and in certain parts a trackless wilderness. While it is true that a committee was appointed and a meeting was held at Mount Vernon, adjourned to Alexandria, to recommend the construction of this inland water route; while it is true that it did not re-

sult in actual construction, yet it removed the opposition of the people of western North Carolina, who later on rescinded their action, with the important result that instead of the State of Franklin leaving to join Spain we now have the splendid sovereign State of Tennessee. And a great contribution, one of the first and most important of the first President of the country, not recognized generally, at least in its bearing upon the future of the new Republic soon to be born, was the making it impossible to set the precedent for any portion of the United States breaking off, either to join its friendly neighbors or to cast its lot with a foreign country. That was in 1784, one year after the treaty which closed the Revolutionary War and three years before the Constitutional Convention.

In 1787 Washington, by unanimous consent, presided over the Constitutional Convention. As the responsible head of the Army, he was the closest observer of lack of power and suffered most from that lack. He saw great problems. The first and greatest problem was to cure the weakness of the old confederation, which afforded neither executive nor judicial power. This at once raised the question whether the Government was to be a Government of the people of the States, without regard to State lines, or a Government of the States. In other words, was it to be a National or a Federal Government? Everyone will recognize, who is at all familiar with the critical period of the United States, that the early contest had been in favor of the States, and the Articles of Confederation were a "mere league of friendship," a group of sovereign States, each State maintaining its sovereignty. Each State could also withdraw its representation, and thus defeat all legislation from want of a quorum, since they voted by States, three-fourths of which were necessary for all important measures.

Washington, as the leader of the Revolutionary War, had recognized the need of power beyond mere recommendation, and when he came to preside over this convention, and the struggle came on as to whether it was to be a government of the people or a government of the States as States, he was clear-headed as to the danger of the latter. And yet he was equally clear-headed as to the danger of the former if unrestricted. If the new proposal was to remain a league of friendship without coercive power to operate on the individual State the weakness so apparent would not be cured. In the midst of a bitter contest on a disputed point a member, it is said, entirely disgusted with the failure to reach a conclusion after a three weeks' debate, arose and made a motion that the convention adjourn. Washington, not having spoken up to this time, saw the danger. When the member—I think it was Mr. Dayton—made the statement, "We have been here now for three weeks behind closed doors, and the thing for us to do is to adjourn and go home," Gen. Washington arose, and tradition says that he made this speech, that ought to be written in letters of gold and posted on the doorposts of every lover of representative government:

It is too probable that no plan we here propose will be adopted. Perhaps another dreadful conflict is to be sustained. If to please the people we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise the standard so high that all the good can repair to it. This is not the work of man. The hand of God is in this thing.

He requested that the motion for adjournment be withdrawn, and it was withdrawn.

And I pause long enough to ask the question, What would have been the future of the American Government if George Washington's powerful and overpowering moral greatness had not been sufficient to have settled the difficulty and thus prevented the motion for adjournment being voted upon? It was vastly more serious than when after a similar conflict a compromise was reached through the suggestion and adoption of two Houses to satisfy both States and people, the former in the Senate and the latter in the House. Mr. Speaker, during the months from May 14 to September 17 that great figure presided with deliberation and power over the most discordant group of men representing the farthest extremes of political theory in the history of government. A less powerful personality could not have held in counsel such great lights, so variant in their dogmas and so persistent in their theories. When we undertake to estimate his power it is found not in the theories of Alexander Hamilton, one of the leading figures of his day and the closest adviser of Washington as well as a leader of the Constitutional Convention, then but 30 years of age, the most original thinker in the group; nor is it found in the theories of Thomas Jefferson, who, by the way, was not in the convention, but his representative, James Madison, was there. His greatness will be found not in the theories of these men, but in the power of the presiding officer big enough to see all sides of a question and powerful enough to hold and direct the tremendous forces still in deliberation until they, through a wise spirit of counsel, were able to work out a system of government which William E. Glad-

stone in 1878 pronounced the greatest instrument ever stricken off by the brain or purpose of man at any one time.

That instrument, fellow Members of this House, adopted in 1789, 130 years ago, by 3,000,000 people, has gone through the fires of civil war, as well as three foreign wars, and has come to the place where now 110,000,000 people have come to look upon it as the organic law, during which time the Nation has become the most powerful in wealth, twice over, of any country in the world.

And hear me: During all these years the instrument has not been organically changed but four times, which fact beyond all others indicates the keen foresight of the body of men presided over by Washington. It is true there are 17 amendments, but the first 10, the bill of rights, were originally agreed upon by the convention, and the eleventh, to exempt a State from being made a defendant by an individual, an exemption which the fathers thought they had included until a State was actually sued, was to correct the error. The twelfth was the first modification. The thirteenth, fourteenth, and fifteenth all grew out of the Civil War, and for our purpose would stand as one modification of the organic law. The other two are changes, it is true, from the original agreement when judged according to the opinions of the members of the convention. When we think of the blessings that have flown out of that marvelous instrument we can not attribute it to any one man so greatly as to the head of the convention, who held the membership together and maintained deliberation. Out of the diversity of political acumen, attenuated and discordant, there came through this sublime figure the instrument filled with the wisest of sanction and remarkably free of dangerous dogma. [Applause.]

The next episode in the life of Gen. Washington to which I wish your attention was when as our first President he inaugurated the principles fundamental in our Government and started the Nation on the right road. Fellow Members of the House, I want sympathetic attention here. Washington knew the fundamental principles of Jefferson. Washington knew that Jefferson was the greatest exponent of liberty in government the world had ever seen. [Applause.] Washington knew that the very lifeblood of this new idea in government, expressing itself in the right of local self-government, had never such a representative in the history of the world as Thomas Jefferson.

If I wanted Jefferson's own opinion of the work he had done which he wanted to be attached to his memory, having spent 39 years in office out of his more than 60 years of public life, I would take you to his tomb and would read upon it the epitaph that he himself wrote:

Here was buried Thomas Jefferson, author of the Declaration of American Independence, of the statute of Virginia's religious freedom, and father of the University of Virginia.

His 39 years of public life comprehended a service in the Virginia House of Burgesses, service in the Virginia Assembly, service in the Second Continental Congress, four years' service as governor of Virginia, four years' service as Vice President of the Nation, service as Secretary of State from 1789 to 1794, and service for two terms as President of the United States, to say nothing of his service as a foreign minister. And yet in all this array of high and outstanding service in the Nation he picks out three items, only one of which would you select as a thing for which he would want to be remembered. No one among you can understand why he thus made the selection so few in number and so unexpected in choice unless you see the very passion of the man's life, the one controlling item, and that is liberty. The biggest word in the vocabulary of the great Democrat was "Liberty." He was the author of the Declaration of Independence—political liberty; he was the author of the Statute of Religious Liberty of Virginia—religious liberty, and in it is another clause that does not appear in the title to the law, namely, the repeal of the law of primogeniture and entail—personal and pecuniary liberty; and lastly, founder of the University of Virginia—educational liberty. There upon his tomb may be read his own estimate of his life, and it comprehends the gamut of liberty, his watchword in his political career.

He said nothing at all about his achievement in the purchase of Louisiana, which in my judgment was the greatest act of his life. He paid no attention to that, because it was fundamental to him that the greatest good that can come to an individual is unrestricted opportunity in the struggle of life to make the most of one's self without restriction from government. [Applause.] That is fundamental in the Jeffersonian theory of politics.

Washington understood this and fully appreciated its importance. He called Jefferson into his cabinet.

Hamilton, totally different, was sharply differentiated in his political theory and schemes of government. He was not rural, not of the country, as Jefferson, but of the city, in the heart

of industry—Hamilton was brought up in an entirely different school from Jefferson. Jefferson was in France in the revolution, submerged in the atmosphere that later produced the French revolution of 1789–1792, and we are wondering just what effect the residence in France had upon his theories.

But it was not so with Hamilton. Where at that time was Hamilton? At Valley Forge, following the lead of the great Washington, as we could see by tracking through the snow by the blood trail of the shoeless feet of the soldiers, unsheltered and unclothed; and he would read to Gen. Washington the letters that Hamilton himself had indited, calling upon the States to supply food, to supply shelter, to supply clothing; and the answer, in the language of State sovereignty was, "We will do it when we are ready." And that meant delay. To see men without clothes to cover their nakedness, without blankets upon which to lie, and often without provisions, marching through the snow, and at Christmas time, to take up their quarters within a day's march of the enemy, without a house or hut to shelter them, were some of the lessons taught Hamilton by actual experience at Valley Forge. This was but a comment upon excess of State rights and lack of central authority. Hamilton had seen and suffered all this. Hamilton saw, mark you, a straggling group of soldiers, 80 in number, marching from Lancaster, Pa., to Philadelphia and attacking the Federal Government in the Capital, which was compelled to take shelter under the guns of Trenton—the Government a fugitive from 80 straggling, mutinous soldiers who had not been paid. Hamilton saw the Shay rebellion, and heard the State of Massachusetts call upon the Federal Government to suppress it when the State was told that the Government had no power, and it had to refer it back to the State. Hamilton, reading the treaty of peace with Great Britain, saw pledges to the British Government our Government had bound itself to secure, in the face of which he saw the States violate every one with impunity, and no ability in the Federal Government to prevent it. Hamilton knew that John Adams, in 1784, had gone to Holland to borrow on the credit of the United States \$300,000 to save the honor and credit of the United States; and Hamilton knew that John Adams was refused the loan to the Government unless John Adams, the Government's representative, went the Government's personal security to make good the \$300,000.

Fellow Members, it is not many days ago that you and I voted, in an urgent deficiency appropriation which carried more than \$1,000,000,000, an amount of money that could not have been foreseen when we passed our last bill. Yet a little over 100 years ago our young Republic was refused a loan from Holland of the miserable, miserly sum of \$300,000 unless John Adams went the Nation's security. If national impotence ever could reach a lower ebb than that, I am unable to conceive it. What was the matter? The matter was too little power, probably too much liberty. The loose confederation during the most critical era of American history supplies the answer, and what we lacked specifically was power. Washington presided over the convention that followed all this, called for the specific purpose of remedying this organic defection, and he well knew the principles that were proposed and were written in the organic law, and when it came to inaugurating these principles into actual, practical government he displayed a new quality of rare leadership in his determination to utilize the country's greatest talent, divergent though it be in party policy. He chose on the one hand Thomas Jefferson, the representative of the liberty of the citizen, the rights of the States, and the principle of local self-government, all of which are absolutely essential; this in spite of some lack of sympathy for the radicalism of the great Democrat. It was ability he demanded, not docility to any preconceived opinion of his own.

By his side for the purpose of organization of the important Treasury Department he chose his former military secretary, the most constructive mind, according to Mr. Oliver, the English critic, the latest authority on Hamilton, that North America has yet seen. He chose him because he was the greatest representative of power, the veritable antonym of liberty. The words in the vocabulary of Hamilton are power, authority, order, energy, strength, vigor, administration. He looked upon the French Revolution as the most awful calamity or fatality that could overtake and overcome any country; while, on the other hand, Jefferson feared whenever the Government became so centralized that the individual would not have the right to resent what was going on. Jefferson once declared it dangerous if there were not a rebellion at least every 20 years. Now fellow Members, there is no one on either side of this House from the standpoint of a student of political science who has greater admiration than I have for Thomas Jefferson, for what he stood, namely, liberty in the individual under government and the rights of local government in the States; and

there is no one on the Republican side of the House or the Democratic who has a greater admiration for Alexander Hamilton, because of the fundamental principles for which he stood, namely, the right to maintain order, the power necessary to say what must be done in the interest of order and government.

The fundamental principles of government as expressed by Hamilton were:

1. A healthful support of government.
2. The recognition of the need of government.
3. Ever-present sense of obligation to government.
4. Reliance upon force to compel obedience.
5. The influence which goes with position.

No one ever expressed in better form the purposes of government than did Hamilton in his first report as Secretary of the Treasury: "To justify and preserve the confidence of the most enlightened friends of good government; to promote the increasing respectability of the American name; to answer the calls of justice; to restore landed property to its true value; to furnish new sources both to agriculture and commerce; to cement more closely the Union of the States; to add to their security against foreign attack; and to establish public order upon the basis of an upright and liberal policy."

As Jefferson was the greatest exponent of liberty in government, so Hamilton was the greatest exponent of power in government. His brief life is but a comment upon this fact. His was a remarkable career. At the early age of 17 he was ripe in constitutional history. At 19 he signalized himself as captain of artillery. At 20 he was made chief aid to Washington, when was begun that singular attachment which induced the great Father of his Country to lean more heavily upon Hamilton for counsel than upon any other American. At 25 he entered Congress; at 29 he became a member of the New York Legislature. At 30 he was a member of the Federal Convention, and by all but universal consent was conceded to be the most original mind in it. At 31 he wrote the *Federalist*, the strongest presentation of the principles of constructive government extant, and performed the inimitable feat of breaking down a great majority against the Constitution in the New York convention, which did not adjourn until it had ratified the instrument against which the majority was committed. At 32 he was called to the head of the Treasury Department, where his crowning work was accomplished. At the age of 41, on the demand of Washington, he reorganized the armies of the Government, and the next year, upon the death of Washington, he was made first in command. At the age of 47 he fell at the hand of the duelist.

While the fullness of manhood was reached before the age of his majority, the brilliancy of his career was eclipsed by a premature death. The span of his public career would measure 30 years—from 1774 to 1804. Twenty-one of these years were spent in the actual service of the Government at the time when the work of both destroying the old and building the new was done. Hamilton was stronger in building than in destroying. To him more than to any other American is due the title of master builder. But to Washington is due the honor of so directing that the Nation became the beneficiary of both Jefferson and Hamilton without adopting either extreme. And here is the peculiar attitude that is difficult for me to understand. Men accept Jefferson without hesitancy as their guide in all matters governmental but indict Hamilton. Other men accept Hamilton as a safe political prophet but instinctively indict Jefferson. It seems as if we had failed to realize that Jefferson's liberty would be anarchy if not restrained by government, and Hamilton's power and authority would have been monarchy if not restrained by the demands of liberty. [Applause.] Either one of them unrestrained would have gone too far. Why, think of the recommendation of Hamilton in the convention:

Let the people elect Congress, Congress elect the President, and the President appoint the governors of the various States.

That is certainly centralization. It is order, and without the restraining influence of the school of Jefferson, Hamilton with all his power would have gone too far. Let me say, with all the fervor that I can command, there is no liberty without government, and there is no government without liberty. [Applause.] Liberty must not be confused with license—that is, anarchy—and power must not be confused with monarchy; that would be despotism. Translated in contemporaneous events liberty unrestrained is the Bolshevik movement in Russia. Power unrestrained is the Hohenzollern autocracy overrunning Europe.

The thought that I wanted to put to the Members here is that in our appreciation of Jefferson in history and our appreciation of Hamilton in history we must not forget that the leading figure that held the two was Washington, and that without the

power to amalgamate the two, liberty and power, we never could have had our present American Government. [Applause.] This is the one query: How can we secure strong central government in the interest of order and still maintain local self-government in the interest of liberty? The first is Hamiltonian, the second Jeffersonian. The two combined is Washingtonian. The one thing I want to leave with you is that Washington recognized the extremes and extracted the good from both without incorporating the dangerous. Hamilton was more powerful than was Washington; Jefferson was also more powerful than was Washington when measured intellectually, but not morally. Wide apart as the poles, he took them into his councils and held them together, because he knew they represented fundamentals, and he worked out our present system. This at the very moment when political differences ripened into personal hatreds. Still they were held; one till 1794, the other till 1795. Lincoln did the same. He chose men of the greatest ability and the widest differences politically, because war and its dangers dare not risk mediocrity; and when he put into his Cabinet four old-line Democrats and only three old-line Whigs, Seward warned him and said, "Mr. President, you are unbalancing this Cabinet." Lincoln said, "How?" "Why, you have got four Democrats and only three Whigs." Lincoln smiled and said to Seward, "Well, I am a Whig, and I am going to count one." That was the attitude of Lincoln in the Nation's second crisis. It was much like the country's first President. I want now to make one observation as the lesson of the hour. We have introduced in the House this great railroad bill, which is very important and which the Congress will pass without delay. It has one or two items in it that must be thoroughly discussed, because it involves great possibilities. Here may be the introduction of governmental policies of widest reach, which must be carefully considered, because it is not the length but the direction of the step that is ominous. Another important bill is the financial corporation bill. That must be thoroughly discussed. There may be involved in that bill a flat danger which must, if possible, be avoided. It must not be lightly looked upon. Another great bill is for the extension of the executive function, a tendency so apparent here in the Capital that one can scarcely avoid strong language in reference to it. That must be thoroughly discussed, and I appeal to the party in power in the light of the example set by the great Washington and followed by the great Lincoln. It does not lie within the mouth of any Member on either side of the aisle, if Members insist upon a thorough discussion and even an attack on some phases of these bills, to say that they are any less patriotic than were the men back in the time of Washington and Lincoln when they were discussing those great questions. There is no danger in open debate. The danger is always when you do not have it. [Applause.]

I feel sure of my ground when I assert that this Congress will pass without any unnecessary delay every measure necessary to speedily end the war. I speak for the Republican side when I say this. But the party in power must concede the right to an opinion, and it would do well if it would observe the conduct of Washington and Lincoln and realize that divided views, the result of ability, are not in themselves a danger. The great leader is the man who can use men who do not always agree with him.

Mr. Speaker, we who are charged with the responsibility of efficiently defending our national honor and safety against the world's greatest example of armed brutality should take daily council of the wisdom of such men as Washington and Lincoln, and, if possible, not only mobilize all our physical power, but especially utilize to the fullest extent the highest type of mental ability, without regard to any party bias. This is the lesson of the hour.

Mr. MASON. Mr. Speaker, in President Washington's Farewell Address, just read, he refers to a short proclamation—

The SPEAKER. I know, but the gentleman can not make a speech, because he has no time.

Mr. MASON. I ask unanimous consent to have the Clerk read the proclamation of April, 1793, referred to by President Washington in his Farewell Address.

The SPEAKER. How long is it?

Mr. MASON. About three minutes.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

A PROCLAMATION.

Whereas it appears that a state of war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands of the one part and France on the other, and the duty and interest of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers:

I have therefore thought fit by these presents to declare the disposition of the United States to observe the conduct aforesaid against those powers, respectively, and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever which may in any manner tend to contravene such disposition.

And I do hereby also make known that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations by committing, aiding, or abetting hostilities against any of the said powers, or by carrying to any of them those articles which are deemed contraband by the modern usage of nations will not receive the protection of the United States against such punishment or forfeiture; and further, that I have given instructions to those officers to whom it belongs to cause prosecutions to be instituted against all persons who shall, within the cognizance of the courts of the United States, violate the law of nations with respect to the powers at war, or any of them.

In witness whereof I have caused the seal of the United States of America to be affixed to these presents and signed the same with my hand.

Done at the city of Philadelphia the 22d day of April, 1793, and of the independence of the United States of America the seventeenth.

[SEAL.]

By the President:

GO. WASHINGTON.

TH: JEFFERSON.

LEAVE OF ABSENCE.

Mr. GREGG (at the request of Mr. SLAYDEN) was granted leave of absence indefinitely, on account of sickness.

EXTENSION OF REMARKS.

Mr. FESS, by unanimous consent, was given leave to revise and extend his remarks.

FEDERAL CONTROL OF RAILROAD TRANSPORTATION.

Mr. SIMS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9685) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. GARRETT of Tennessee in the chair.

Mr. ESCH. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. WINSLOW].

Mr. WINSLOW. Mr. Chairman and gentlemen of the committee, we have had the great pleasure of listening to Dr. Fess make a very eloquent address on George Washington and kindred subjects. We have heard him state with great positiveness that the country will never be injured by too much intelligent debate in Congress, but is likely to be by too little. I agree with him on that general proposition. Legislation which we pass is too frequently marked by too little concern, too little straightforward discussion, perhaps by too much of what we call "bunk," and on the whole we do not confine ourselves perhaps as carefully as we might to the merits of bills before us.

The committee which reported this bill into the House was in session for about a month with very full attendance. Great interest was taken by Members, discussion was abundant, good fellowship prevailed, differences of opinion existed, and finally conclusions were reached. At no time was any witness limited in his presentation of testimony, and at no time was any Member deprived of a full opportunity to ask questions. The result of it is the bill which is now before you.

The President of the United States by proclamation took control of the railroads. This bill became necessary. It came before the committee as an administration bill pure and simple. Nobody has denied it. The Secretary of the Treasury was named Director General of Railroads. Those who presented the bill stated frankly that they appeared in behalf of the Director General and through him the President of the United States. So it is fair for everybody to assume, I think, that the bill as it was initiated and as it was developed, discussed, and finally passed was the proposition of the administration.

When the bill was first brought up it differed in many respects from what it now appears to be, but as we went on the representatives of the administration and the members of the committee began to realize that there were shortcomings, and every effort was made to get together.

There are four leading subjects in the bill which have been and probably will continue to be matters of central interest. I shall speak of them as they occur to me in what seems to my mind to be the logical order. There was quite considerable concern as to whether or not the employees of the railroad companies were to continue to be employees of the companies or to be considered hereafter as employees of the Government. The bill was finally framed so as to leave them employees of the railroads, and the general interpretation of the bill was that the Federal Government merely took control of the railroad properties as it found them, that it was to direct the operations, but that it was not to employ or direct the men or otherwise come in close contact with the employees or the general business

transactions of the railroad companies. I think it perhaps would not be worth while to take any time now to discuss the wisdom of so framing this bill as to leave the employees within the control of the companies. That subject quite likely will be brought up under five-minute debate, and it may be that we shall want to take a hand in discussing that question if it comes up.

The amount of return was a very important question, which was considered, and finally that which is set forth in the bill was agreed upon. So far as I know, from listening to the debate here and reading the speeches that have been made on the subject, there is likely to be some difference of opinion and perhaps some variation of interpretation as to what is really the right thing to do in remunerating the roads which may be taken over. Yesterday one of the Members on this floor raised the point that some of the railroads were appearing to receive an excessive rate of interest, a too large return. That question could be elaborated, but I shall try to sum up my judgment in a few words. It is quite true that on the face of it some railroads would appear to be getting an excessive return, but that is not really the whole story. Some railroads have been skinning along, robbing their treasuries for the purpose of dividends, neglecting to put back money which they should into their own properties, and the result has been that of late years, as with any other commercial concern, they have gone downward, and they have duly had difficulty in making great earnings or in paying any kind of dividends. On the other hand, there are roads which have been well managed, which have fostered their resources, which have put in large sums of money annually for the upkeep of their property until they have brought their companies into good order, the properties in fine shape; and, as with any other commercial undertaking, when they have become established in good condition they have paid proper dividends on the value of their stock. Nobody here has seemed to raise the point as to how many years, for instance, a now prosperous railroad may have paid no dividends. The question seems to have been entirely as to what they have paid in the last three years. That is not the fair way to look at it, and the committee, I think, gave heed to the consideration that if a road by virtue of being profitable as a result of keeping up its property and, generally speaking, as a result of good, clever, and scientific management found itself during the past three years, when business has averaged fair, so that it could pay a large dividend, the owners of the stock were entitled to fair or even generous remuneration.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. WINSLOW. Yes, indeed.

Mr. GORDON. How does the gentleman come to determine that the stock was worth the amount for which these roads were capitalized?

Mr. WINSLOW. Capitalization is not the question. That is a misnomer which a great many people who are not thorough fall into.

Mr. GORDON. Yes; I know.

Mr. WINSLOW. I am not making a personal application.

Mr. GORDON. How did the gentleman determine it?

Mr. WINSLOW. I will tell the gentleman how I determined it. The value of a security ought to depend on two elements—first, on the property back of it, and then on the earning capacity. I would not accept the one or the other as being final.

Mr. GORDON. How did you determine the property back of it?

Mr. WINSLOW. On the valuations as they appear and are reported in various reports, and finally on the facts.

Mr. GORDON. We have spent \$11,000,000 undertaking to value these railroads for the purpose of finding out what property they had.

Mr. WINSLOW. Yes.

Mr. GORDON. Did the gentleman give any consideration to that?

Mr. WINSLOW. Just what does the question mean—when it is finished? Does the gentleman mean with respect of the \$11,000,000?

Mr. GORDON. No. I say we have spent \$11,000,000 in the process of valuing these properties for the purpose of finding out what they are worth. What I want to know is how the committee found out so quickly a thing that we have spent these \$11,000,000 for and have not yet had any report upon.

Mr. WINSLOW. I appreciate the humor of the gentleman's suggestion.

Mr. GORDON. There is no humor about it. [Laughter.] It is a question for information that I am asking. The gentleman is a member of the committee, is he not?

Mr. WINSLOW. Yes.

Mr. GORDON. I would like to have the gentleman answer.

Mr. WINSLOW. I can answer the part of the gentleman's question which would seem to me to indicate a serious inquiry. We have only had those facts which are of record and we have not attempted to be mind readers and forestall the report of the inquiring board. We have taken only those returns which are of record and have accepted them at their face value.

Mr. GORDON. The gentleman means the records of the railroads?

Mr. WINSLOW. As reported to the Interstate Commerce Commission and as submitted by the various people who have given testimony.

Mr. GORDON. Did the gentleman give any consideration to the question of this information that has been collected by the expenditure of this \$11,000,000?

Mr. WINSLOW. Only to realize they had not any report to turn in. I think in one or two cases Judge Prouty, if I am not mistaken, gave a fragmentary report as to the results of the findings wherever they had approached completion.

Mr. GORDON. Well, now, did the committee consider this? In the appropriation of all other private property since this war started in very many instances they were unable to determine the value of the property taken—in this case you determine the use of the property only, and in the other cases they were appropriating only part of the compensation—did the committee give any consideration to the suggestion that they should appropriate only sufficient of what the dividends actually paid in the last three years were and leave the final determination to await the finish of this appraisal by the Interstate Commerce Commission? Did the committee give that any consideration?

Mr. WINSLOW. Let us get together on this. I do not want to be answering one question when the gentleman is making a different inquiry. The gentleman is referring to the amount of dividend returns?

Mr. GORDON. Yes; the amount of dividends that should be paid. The gentleman determines that by taking the total earnings of the road for the past three years, as I understand it.

Mr. WINSLOW. No.

Mr. GORDON. The gentleman does not?

Mr. WINSLOW. No.

Mr. GORDON. Well, that is my understanding.

Mr. WINSLOW. That is only part of the question. I was fearful the gentleman was not comprehending the whole situation. [Laughter.]

Mr. GORDON. I understand it all right. If I have not made myself clear—

Mr. WINSLOW. Let me continue—the old clock is moving around. [Laughter.]

The CHAIRMAN. Does the gentleman yield?

Mr. WINSLOW. If I can have time I would like to discuss this economic proposition with my friend, but I am afraid—

Mr. STEPHENS of Nebraska. I suppose the gentleman from Wisconsin might possibly yield the gentleman some time, if I can have his attention.

Mr. GORDON. If I have not made my question clear already I can in a very few words, if the gentleman will allow me.

Mr. ESCH. The time required on this side is so largely taken that I can not make many extensions, but it may be possible to yield a few additional minutes to the gentleman.

Mr. WINSLOW. It is not my request, but yet I desire to tell anything I know that is proper.

Mr. GORDON. I would like to know how the gentleman gets at this figure.

The CHAIRMAN. Does the gentleman from Massachusetts yield?

Mr. WINSLOW. I think for the purpose, Mr. Chairman, of his inquiry, I can not yield, because it will take, I am well aware, more time to answer his question the way he has put it than the time I have at my disposal.

Mr. GORDON. I think the gentleman is right about that.

Mr. WINSLOW. The question is a difficult one, and I want to answer, in a measure but in a limited way, the inquiry of the gentleman from Ohio. There are hundreds of railroads in this country, very few of them known, apparently, to any considerable number of people. They know the great trunk lines, but they do not know the great multitude of short lines in different parts of the country which come in under the scope of this bill. We found out on the second day, if I mistake not, of the hearings that there were hundreds of roads around through the United States which would probably not mean anything to the Government for war purposes, and the truth came out that the purpose of the Director General, when he got ready—although he had taken every one over by separate order, although he had issued general orders to all of them—he proposed to drop a lot

one of these days, when he got ready. No railroad president was in the hearing who could find out when his turn was going to come. He did not know anything about it. The Director General would not tell him anything about it. Now, those roads represented all conditions of prosperity, and many of them conditions of no prosperity whatever. That feature must be considered. This bill is drawn in such a way that by an elastic provision it allows the President to treat with each road that he wants to consider or otherwise, and in that way those unhappy little roads may get out from under. It was beyond all human possibility for any committee in the time allotted, if ever, to draw a bill which would measure out accurately to each railroad exactly what was fair to it, so they have had to blanket those; and the bill, naturally, has been drawn to meet war conditions, to meet an exigency, so that when we begin to operate under this legislation, if it is passed, we will begin to get to business on the railroads immediately and allow the less consequential considerations to come up and be taken care of in due time. But some of the committee—and I believe for my own part a good many of the committee—agreed that the basis of remuneration set forth in the bill is as fair and equitable a basis as can be figured out in the short time allotted, when one considers the great interests involved and the varying conditions throughout the different roads as well as the necessity of as prompt legislation as is reasonably possible.

Mr. SMITH of Michigan. Will the gentleman yield for a short question?

Mr. WINSLOW. Gladly.

Mr. SMITH of Michigan. It is presumed there will be a considerable number of roads that will not be taken over?

Mr. WINSLOW. I think it can be fairly presumed on the statements of the gentlemen representing railroads through the hearings and from the testimony of the Director General that the number of such roads would run into the hundreds.

The next point of real interest which will have to be considered is the power of establishing the rates by the President of the United States. Herein the view of the committee members differed. The majority favored the bill as printed; a minority was in favor of putting the power to establish rates in the hands of the Interstate Commerce Commission. I represent in thought and in action the minority views in respect of this matter and I wish to give my own opinion. The Interstate Commerce Commission, I believe, represents pretty generally in this undertaking the interests of the great public of this country.

It has been a much-discussed body. It has stirred up the animosity of first one element of the community and then another. Take it far and wide, it has been exasperatingly slow at times. It has not been able always to render decisions quickly enough to suit everybody, but perhaps that has been the natural result of the condition in which it found itself. The problem is an enormous one—far beyond the comprehension of people who have not gone into it carefully. The opportunities for action on the part of the members of the Interstate Commerce Commission have been many and varied, and have constantly increased. Their ramifications have multiplied, and it has not been strange that a commission, if starting off with a little handful of employees and now having grown into a commission of thousands, they should have found the attending duties engrossing, perplexing, and frequently beyond their power for quick action.

However that may be, they have collected invaluable data, they have learned the "wiles" of the game, they know the "ins" and "outs" of the railroad problems, they have become expert as to how to get at and analyze railroad figures and statistics, and how to get information, and when and where such is to be obtained, and so forth.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. WINSLOW. To sum up the reason for standing by the commission rather than to accept the provisions of the bill. I represent my own views, gentlemen, and possibly those of others. I hope so. There are two reasons in my mind why we should not let the President make the rates under the arrangements set forth in the bill. In the first place, we have a commission which has been set up by Congress to do this work.

They have been indorsed by Congress and by the people all this time; otherwise they would have long since been wiped out. They would not have grown from three or four men to several thousand men if there had not been a good excuse for their existence. They have been kept on and ought to know their business, and, so far as I have been able to learn, they do. That is one reason for keeping them there. They are a public

institution, as much a part of the Government of this country, as things are going now, as the Congress of the United States or the President himself. I am willing to trust the commission under war exigencies to discriminate wisely and to act as promptly as good judgment and the well-being of our people demand.

Mr. COADY. Will the gentleman yield?

Mr. WINSLOW. It would be a pleasure to yield, but I can not do it now.

In the second place, I think we are going too far in the direction of throwing all the fiscal arrangements of the United States under the head of one or two men. [Applause.] They can neither conceive nor cover them. No man has ever been known in this world, I believe, or ever will be, of sufficient capacity to take over or act wisely as an advisor of all the growing elaboration and direction of the new departments as we are setting them up, to say nothing of the three or four or five or more which are already on the board and about to be skidded into us for legislative consideration and establishment. I do not believe that the President—and I will give him all the respect that he deserves—or the Secretary of the Treasury can go on indefinitely taking jobs, each one of them big enough for the biggest man that ever lived, and carry them out successfully. For such reasons I think we are better off to have this matter of legislation in reference to rates in the hands of men who have had some training in such matters, who have nothing but railroad matters to think about, than to leave them in the hands of somebody or anybody who can be no more than a figurehead in the operation, and who himself must appeal to somebody else, and then have that consideration only one of a multitude of cares which are pressing down on his brow with constantly increasing pressure every minute of the day and night. [Applause.]

The question of time of return of the railroads taken over to their owners is another point of this bill which interests everybody. The proposition is, Shall there be a time set for the return of these roads by the Government, or shall there be no time set? This question was marked and debated clearly and fairly. The committee took it up, and they voted to set a time limit. They agreed on a time to terminate two years after the signing of peace ratifications. A minority thought that two years was too long. In the testimony before the committee, if you will read it you will find that the time mentioned by witnesses to be allowed for giving back the roads varied from one day to three years.

The testimony, as it appeared to me, was given by those whose opinion I most respected, indicated six months to a year. In order to be on the safe side, a year was the time indicated by those who filed minority views. I do not feel sure that a year will be long enough; but at all events a year will be long enough to determine whether or not a further period is needed. The question can be better decided under conditions prevailing then rather than be dealt with now, say, three or four or more years ahead. If not more than a year is necessary, the roads will be automatically turned over to the owners, and this war emergency railroad legislation will be forthwith terminated. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WINSLOW. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ESCH. Mr. Chairman, I yield one minute to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I hope to have a little time under the five-minute rule in which to address the committee. I use this minute to say that I listened to the reading of the proclamation of George Washington at the request of my colleague [Mr. MASON] a short time ago. I indorse George Washington now, and if I had been living I would have indorsed him then, and what he did. I indorse that proclamation. We were neutral when the nations were at war in Europe, and in that proclamation was noted that whoever violated neutrality would be punished. I believe if either one of those nations had given notice to us and to all the world that when our ships were on the world's highway they would be blown up without notice and then proceeded to blow them up, George would have said we ought to have war and have asked Congress to declare war against the nation so acting. [Prolonged applause.]

Mr. SIMS. Mr. Chairman, I yield one hour to the gentleman from Missouri [Mr. DECKER], a member of the committee.

The CHAIRMAN. The gentleman from Missouri is recognized for one hour.

Mr. DECKER. Mr. Chairman and gentlemen of the committee, I hardly think that I shall take a full hour in talking, but I do want to take a little of your time with the hope that I may be of some help in reaching a correct solution of this important problem.

I need not remind this body of the importance of this problem. As has been said, it affects the property rights of this country to an extent estimated at from eighteen to twenty billion dollars. It affects an industry which employs 1,700,000 men, constituting some of the most skillful and most patriotic and most efficient men of this country. But the amount of money invested in this industry, the property rights involved, yea, even the large number of men employed in the industry, does not constitute the greatest element of importance in this question. Transportation is the very breath of our national prosperity and even existence. The wheat must be hauled to the market and to the mill; the cattle must be slaughtered and shipped to the consumers of this country; the cotton from the Southland must be carried to the mills and made into cloth. The question of the money invested is important. The question of the men employed is important. But let us not at the outset lose sight of the fact that the very existence of this country, in time of peace as well as in time of war, depends upon transportation, and efficient transportation. Its importance in time of war is even greater than in time of peace. Our soldiers must be clothed, they must be fed, and under our complex system of national life, with our broad expanse of territory, the products of California and the products of the South and the products of the North must be gathered together through the centers, and upon the railroads of this country they must be carried to do the people any good, and especially the soldiers that are fighting this war.

Whatever property rights may be involved, whatever employees may be affected, let us not lose sight of the fundamental fact in this struggle, as expressed by the Fuel Commissioner, Mr. Garfield; let us never lose sight of the fact that always and ever while this war is on "the ships must sail," and the ships can not sail without coal, and the ships must not sail empty of food.

The great object, then, that led to the taking over of the railroads was efficient transportation. The railroad transportation of the country had broken down. There is no use in denying it. There is no use in spending time here in going into all the reasons for it. But it became necessary in order to carry on this war to unify, to coordinate the transportation facilities of this country. Under an act of Congress passed in 1916 the President was given authority to take over the railroads. He took them over; he took them over for the purpose of perfecting the system and creating greater efficiency. Congress had the right to give him that authority. Then there was left to us an important question—the question of compensation. That was a question, I say, that was left to us. I do not mean that we have a right to fix the compensation. The fixing of compensation for the railroads or any other property that is taken by the Government for public use can not be done by Congress or any other legislative body. That is a judicial question. This is not the land of the Bolsheviks. This is the land of liberty; but it is also a land of law, a land of order, and a land where property rights are still sacred, whether it be the property rights of the humblest man following the plow or the property rights of the man who owns the bank or the railroad.

It will not do any good to say, "We will take these railroads; these men have more money than they need." The same right that protects your hearthstone and mine and the hearthstone of the humblest follower of the plow protects also the hearthstones of the men who own these railroads, and prevents the taking of their property without adequate compensation or due process of law.

We have a right to take over the railroads, but no man in this House has the right to say how much they shall be paid. Do not let us lose sight of that fact. The owners of the roads can not prevent us from taking their property for public use, neither can the public prevent them from exercising their right of going into court and demanding just compensation.

And that brings me to another question: The prime question, the impelling motive for taking over the roads, was to better the transportation facilities of the country. But along with that taking over was something almost as important as transportation efficiency itself, and that was the financial stability of this country in this awful struggle. From 18 to 20 billions of property in this country is invested in railroads, differently estimated by different people as to the amount. Do I need to remind any man in this House that that vast amount of property value forms at least an important stone in the foundation of our

financial structure? Some have estimated it to be one-seventh of all the property in the United States. You and I can not trace the varying places where these securities and these stocks and bonds may be found.

It is true a few men own a large per cent of them, but it is also true that they are found in the humblest homes of widows and orphans, in insurance companies, and in the trust funds; and if justice were not done to these security rights and these property rights, do I need to remind intelligent men that it would be a blow not only to this one stone in the structure but that it might cause all of it to tumble to the ground? So in taking over these roads it is important not to shake the financial structure.

Now, how can that be done? It is easy for us to say, "We have taken your railroads." It is easy to reply to the gentleman from Ohio [Mr. GORDON]. I wish he were here. It would be easy to say in reply to his question, "How much are they worth?" "I do not know." You do not know; President Wilson does not know; Secretary McAdoo does not know. How can you know? We have spent already \$11,000,000 to try to estimate the physical value of the railroads, and I think they tell us that physical valuation will be finished in 1921. That is just the physical value. That does not mean that then you have got a complete basis on which to estimate what is a reasonable compensation for the use. I might have a railroad between here and Baltimore with 10,000 bridges on it. It would cost an immense sum of money, but it would not be worth a cent more than one that did not have a single bridge. You can not fix the rate on just what the property costs. There are many and varied questions that enter into this. Now, what shall we do? Shall we say to them, "Go into court," which they have a right to do? No power in the United States, as long as that Constitution, of which the gentleman from Ohio [Mr. FESS] spoke is in existence, can keep them from going into court.

Shall we tell them to go into court and take the valuation of their railroads and bring in all the elements that go into the making up of the value of the use of them, spend six months on the trial of each single, solitary case before the court? Then there would be the right of appeal, due process of law. How long would it take? What would be the result if we told them to go into court and settle their rights there? Any man who wanted to break down this war could do it by putting the railroads of this country into litigation—a large percentage of them. So what did Congress have the right to do? We could not say, "Stay out of court." We could simply say this, "Now, you owners of the railroads, we can not tell you what you have got to take. We have a right, however, as legislators to make you an offer," and that is what we have tried to do in the bill. We have tried to make them an offer, to lay down a basis of authority for the President to make a trade with the railroads for their use during Federal control. That is all there is in the bill. Do not rail at this committee and say, "How quickly did you decide on the value?" We did not decide. We could not decide. You could not decide. It would take you and me and probably many of us here many years to understand the intricacies of the details of the railroad question; but the general principles one man can understand about as well as another. And one of those fundamental principles is this, that if we take over private property for public use we must pay reasonable compensation for that use; and in estimating the value of that use we can consider the demonstrated value of the use for a reasonable time before the taking. So we took a period of three years before our entrance into the war and divided the annual operating income of those three years by three and called that the standard return. Some would say take four years, take five, some ten. I can not go into all the reasons why, if you go back too far, it would not be just, because every year that the railroads continue in existence the money put into their property increases. So the further away you get from the time of taking the more danger there is of doing injustice to all concerned.

So we thought, and to be frank with you, as the gentleman from Massachusetts [Mr. WINSLOW] said, the men who wrote the bill, Mr. Anderson, of the Interstate Commerce Commission; Secretary McAdoo, and even the President himself in consultation no doubt—in fact, his proclamation spoke of that—took this as a fair basis of compensation during the period of Federal control.

Now, when you go back home and they say to you, "You paid the railroads too much," what are you going to say? Some fellow will say to you, "Why, what did you give the railroads that amount of money for? Why didn't you take their property the same as you took the other property of the country?" I even heard a speech in another body in this great Capitol, in which it was said, "They say if we can draft the boys of the country, why not draft the property of the railroad companies?"

We will draft the property of the railroad companies, we will draft your property and mine, and the property of the farmer, but we will do it according to law by means of taxation, and not by confiscation and the violation of the Constitution. When you get back home, what are you going to say about the way this was fixed? I will tell you what I am going to say. I am going to say that for 30 years there has been in this country, growing up and increasing in efficiency and power and intelligence, a great body called the Interstate Commerce Commission, whose duty it has been, so far as possible, to determine what is fair compensation for the railroads. That body has the confidence and respect of the people of the United States. In some places there is more confidence in it than in others, but it is the only body we have. We simply took what they had allowed these roads to receive during the last three years, and divided it by three, and said to the railroads, "We will give you that same amount during the continuance of Federal control." Can you beat that system?

Our much-esteemed colleague from Wisconsin [Mr. Esch] did not say that this amount was too large, as I understood him, but he did say that he recommended paying them a certain percent on their stock and on their bonds, and then dividing the surplus between them and the Government. He gave as his reason for doing this that under the system which we have adopted there is no incentive for the railroad officials, like the presidents and superintendents, to put forth their best energies to make the railroad management a success during Federal control. In other words, briefly stated, he says if we guarantee a definite sum to the owners of the railroads and the men who run them during Federal control, what incentive is there to make the railroad officials put forth their best energies and to see that the industry is a success? Well, that is a fair question. It is one that appeals to anybody. But my answer to the gentleman from Wisconsin is this: His proposition is fundamentally unworkable for the purposes for which we took over the railroads at this time. We took over the railroads at this time so that we could, if necessary, say to the Baltimore & Ohio Railroad, "Clear the tracks! Get your passenger trains off of there. We are going to ship coal over your road." But they say, "There is no money in coal. We want to ship iron or steel or passengers." "Clear the track, Baltimore & Ohio! We are going to ship coal over your road and nothing else. It is for the good of the country." We can say to the Pennsylvania, "You have been making more money than anybody else in the country. You have got the best railroad, but we want to use it for a certain business that is not as profitable as the other kinds of business in this country." We will divert the business from one railroad to another railroad if necessary in order to have efficient transportation and in order that "the ships may sail." That is the test in this war. Now, how are you going to do that?

If the plan of the gentleman from Wisconsin was put into force and the surplus divided between the Government and the railroad company, would the Pennsylvania Railroad be anxious for ships to sail, or would it want to get the business? Would the Baltimore & Ohio have the incentive to make the loaded ships sail, or would they want to make money for their company? That is the reason we could not adopt his system. That is the reason the director of the railroads and Mr. Anderson, who wrote the bill, decided that it was unworkable and that the present system was the only way to do it.

Now, I admit, gentlemen, that there will be some slackers among railroad presidents and railroad companies. I expect that there will be slackers among them, as in all other classes, but I believe most of them are patriotic enough in this hour of need to do their duty. Some men have spoken in favor of these gentlemen, and I indorse a good deal that has been said about their patriotism and their ability. But let me tell you something. The men who are presidents of the railroads, put there by the financiers and bankers of the country, do not always run the trains. You have never seen any on the engines, you have never seen any on the locomotives, you have never seen them turn a switch, you have never seen them at the ticket window. If any president of a railroad shirks, the Director General can fill his place, and the patriotic railroad men of this country will come to the rescue of our transportation system and "the ships will sail." [Applause.]

Now, I want to say a few words about the question of rates. I want to call your attention to one inconsistency in some of the men who are so eulogistic of the Interstate Commerce Commission. Some men on our committee and some who appeared before our committee claimed that this compensation, which is according to what the Interstate Commerce Commission has fixed for the last three years, was too high. Yet these same men are insisting that the Interstate Commerce Commission shall not

by any circumstance be interfered with by the President of the United States. Well, they can not blow both hot and cold. If this same Interstate Commerce Commission is so vital to the welfare of transportation that you can not let the President of the United States interfere with its authority, why are you blaming us for following their findings in fixing the compensation for railroads during the time of Federal control?

But that is not what I started out to say. I want to be fair about this question of rates. The members of the committee differed, and the point of difference, I think, is this: I think we all agree that the President has got to initiate the rates if these are ever changed, unless we change the law as it is now. The President, who takes the place of the owners of the road, must initiate the rates if they are to be changed. Now, under the bill as we have it, anybody who is dissatisfied with the rate which is initiated may have the matter referred to the Interstate Commerce Commission, and the Interstate Commerce Commission is instructed by this bill to make an investigation thoroughly and carefully. Now we come to the point of diversion. Some say that their recommendations should be final and conclusive. Those of us in the majority of the committee concluded that it was better to have the President's authority final and binding.

Mr. ALEXANDER. Will the gentleman yield?

Mr. DECKER. Yes.

Mr. ALEXANDER. While the President has the power to initiate a rate, does it go into effect until it is reviewed and approved by the Interstate Commerce Commission under this bill?

Mr. DECKER. Candor compels me to say that it goes into effect immediately.

Mr. IGOE. Will the gentleman yield?

Mr. DECKER. I will yield to the gentleman.

Mr. IGOE. The rates fixed by the President are merely for the duration of control by the Government, or do they last until subsequently modified in the old way by action of the railroads and the Interstate Commerce Commission?

Mr. DECKER. Will the gentleman ask me that question when I get to the most important question—the question of turning them back to the railroad companies? Well, I will answer it now: It will take legislation to readjust that, regardless of whether the rates are fixed by the President during the war or by the Interstate Commerce Commission. That is one reason I am not for putting a stop watch on the time to turn them back, so that we may have an opportunity to work out the kind of legislation wanted.

Mr. LENROOT. Will the gentleman yield?

Mr. DECKER. I will.

Mr. LENROOT. The gentleman has stated that in the majority bill a rate fixed by the President is final. I ask him, as a lawyer, whether Congress has any power to delegate to the President the power to fix rates finally?

Mr. DECKER. I will answer the gentleman's question by asking him another. Is not the President of the United States a citizen? Is there any reason why we can not delegate the power to him as much as to five or six citizens on the Interstate Commerce Commission?

Mr. LENROOT. The Interstate Commerce Commission acts under the rule laid down, carrying out the law, and we have made their rates final except they go so far as confiscation of property. Under the power delegated to the President in this bill there is no such power conferred.

Mr. DECKER. I do not think that the gentleman has read the bill carefully, because the bill provides that the rates must be just and reasonable. It does not mean that the President can fix any rate, but he is to use reason, justice, and fairness, and avoid all discrimination. I have heard it said here that under this power he can make Chicago a desert. He can make Chicago a desert under this power if he wanted to violate his oath of office, but no intelligent man would use such discrimination against Chicago as to make it a desert without knowing that he was doing something wrong.

Mr. BARKLEY. Would not the Supreme Court have the right to pass upon the reasonable and just rates fixed by the President?

Mr. LENROOT. Would it unless the law lays down some restrictions on the President?

Mr. DECKER. The Supreme Court would, because there is one thing Congress can not do. It can not confiscate a man's property, it can not take anything away from him without due process of law. The rights of the railroads and the shippers can always be determined in court under a claim that they are discriminatory, unjust, and in violation of the law.

Mr. LENROOT. Does the gentleman contend that it is due process of law to delegate to the President or anyone else the

right to make a rate without a hearing upon the part of the shipper? That is what is done in this bill.

Mr. DECKER. Oh, we do not do that in our bill, begging the gentleman's pardon.

Mr. SIMS. The railroads, before they were turned over, absolutely made their own rates without consulting the shipper.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. DECKER. Yes.

Mr. LENROOT. Any shipper, as the gentleman well knows, had a right to go into court upon any rate prior to the enactment of the Interstate Commerce Commission law.

Mr. SIMS. Yes; but he does not make it.

Mr. LENROOT. I understand; but he had his remedy.

Mr. DECKER. The thing I wanted to say on this subject was this, and I do not want to take up too much of your time: I am opposed to taking away the power of the President to fix the rates in case in his wisdom as a war emergency he thinks he should do it. How is the ordinary business of the country conducted? Does the man who owns the farm and spends the money in the operation of the farm have the right to say what he shall sell his products for, so far as he can get a market? Who fixes the price of the commodity of the manufacturer of this country? In other words, the man who runs the manufactory and spends the money in operation also determines, as far as he is able, the amount of income he gets, does he not? In other words, the successful way to run a business is to let the man who handles the expenses try and fix, if he has wisdom enough, the amount of income that he can get out of the business. You say that can not be done with the railroads, because the railroads are not a private business, but are quasi public, and that while they are private in the sense that private money is being used in their operation, yet that the public has such an interest that it would not be safe to let the men who spend the money on the railroads in building them up, equipping them, and paying the labor say how much income they shall get from them, and so, after many years of experience, we established the Interstate Commerce Commission, the object of which was to stand between the public and the selfishness of the men who owned these railroads. Is not that a fair statement?

And do not you see the minute that the President of the United States steps into the shoes of the railroads the situation is changed? You do not have to protect the people of the country against the President of the United States. He has no selfish interest to serve. Not a dollar goes into his pocket. He has but one ambition, to serve his country and win the esteem and affection of his countrymen. That is the only interest he can have. There is still one danger, and I want to be fair. He may have the best intention, but you say he has not the intelligence. That is, you do not mean by that he lacks the broad mental power and acumen, but that this is such a special business, so intricate and technical, that it is impossible for him to know the details sufficiently to fix the rates. That is the very reason why we provided two things in this bill. We provided in this bill that the President of the United States in running the railroads—and this is in addition to section 11—could at any time avail himself of the services, advice, and co-operation not only of the Interstate Commerce Commission but of any other department of the Government.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. DECKER. Yes.

Mr. HARDY. Does the gentleman think it would ever have been necessary to establish the Interstate Commerce Commission to regulate rates if these transportation facilities had been owned by the Government originally?

Mr. DECKER. I think not. I think that the only thing that the public had to protect itself against was not the lack of intelligence and knowledge on the part of the owners but the innate human selfishness that is in us all.

Mr. HARDY. In other words, the gentleman thinks the Interstate Commerce Commission was provided to protect the public against the greed of the private owners?

Mr. DECKER. The private owners, who were performing a governmental function, to wit, running the public highways of the country, and it was not safe to turn over to them, unrestricted, the right to set the toll or levy the tax for using the roads.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DECKER. Yes.

Mr. COOPER of Ohio. The gentleman stated a few moments ago that the Interstate Commerce Commission now had power to fix the rates, and that that power was placed with them for one reason, to protect the public, and then the gentleman stated that the President had no selfish interest to serve. What I want to know is this: Has the Interstate Commerce Commission

any selfish interest to serve, and why could not they take care of the rate making at this just as well as at any other time?

Mr. DECKER. That is a fair question. It is a matter of judgment. I am not going to rail against any man in this House that thinks it should be left with the Interstate Commerce Commission; I am not going to say to him that he does not believe in the patriotism of his President. I believe it should be left to the President, and I was telling the first reason. In other words, the fundamental principle of running every business is to let the man who pays out the money set the price upon the product, and thereby determine the income. Have you not heard criticism on every side that while the railroad officials have to spend the money for higher wages, for more equipment, for rails, ties, rights of way, and terminals, yet when it comes to getting the money to pay for all these things they have to go to somebody else to get it.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. DECKER. Yes.

Mr. ALEXANDER. The gentleman seems to think that if this power is vested in the Interstate Commerce Commission and not in the President, it would impeach the President's patriotism or intelligence.

Mr. DECKER. Oh, no; I did not say that. I say I am not accusing anybody of such a thing because he wants the power placed in the Interstate Commerce Commission.

Mr. ALEXANDER. The point I want to make is this, that nobody assumes that the President himself would exercise these powers directly. These powers must be exercised through agencies, because it is not possible for the President to do it. The question arises, and I think it is one well worthy of answer. Why not let this power be exercised by a tribunal organized according to law, charged with that duty, and presumably equipped for the duty?

Mr. DECKER. I thank the gentleman for the suggestion, and that is the gist of the question; and I hope I shall not be interrupted until at least I try to answer it.

Mr. MADDEN. Why does not the gentleman answer this question?

Mr. DECKER. It is practically the same, although I think my colleague misunderstood my answer. The reason is this: Either turn over to the Interstate Commerce Commission not only the fixing of rates, but also fixing the rate of wages, the price of steel, the cost of bridges and terminals. In other words, give the body that determines the income the right to say what the outgo will be. That is my contention; that is the business way of doing anything. And then do not you see another reason in this? I have reminded you that the President has no ulterior motive. We have said in this bill that he has the right to avail himself of the services of the Interstate Commerce Commission, and anybody in the United States who feels he is wronged by any rate fixed by the President has the right to have an investigation and then the commission makes a report. So, then, there would be little or no chance for him to make a mistake for lack of information. Many questions come up in an ordinary rate case that is brought before the Interstate Commerce Commission. The owners of the roads come in and explain what improvements they have made, how many bridges they have built, how much the steel has cost that they have put on; the Interstate Commerce Commission goes into every detail of it, and if any of that money has been unwisely or foolishly spent, it is not considered in the fixing of the rate.

Do you want the President of the United States, who has upon his shoulders the Herculean task of bettering the equipment and transportation of the railroads of this country, every time that he wants to build a new bridge or lay some new ties or construct a terminal or do some other extraordinary imperative thing which he thinks is necessary in order "that the ships may sail"—do you want him to have to ask himself the question, Will the Interstate Commerce Commission give me the money to do that work?

Mr. HARDY. Will the gentleman yield right there? In connection with the question by the gentleman from Missouri [Mr. ALEXANDER], did not the entire committee agree that it was absolutely necessary that the President should initiate the rates?

Mr. DECKER. Well, I would not say. I do not believe that question was raised in the committee directly.

Mr. HARDY. Was not the difference between you whether or not the Interstate Commerce Commission should have the power to overrule the President?

Mr. DECKER. It was the only question, I think, and if I am not stating it correctly I trust any gentleman of the committee will correct me, and there can be no other question—

Mr. RUSSELL. Will the gentleman yield?

Mr. DECKER. I will.

Mr. RUSSELL. Is not one of the chief reasons for providing in this bill that the President shall initiate the rates because war is on, that is the reason for taking possession of the roads, and there might be some emergency in which it might be necessary to act very expeditiously, and it was believed by the committee the President could initiate or change a rate more expeditiously than if it were left in a body like the Interstate Commerce Commission?

Mr. DECKER. I am not satisfied to go only that far; there is more involved in it than that. He has not only got the right to initiate the rate, but I want this understood—for it is not my intention to deceive any of my colleagues—he has got the right, even after the Interstate Commerce Commission has made its report and findings, to use his honest judgment and answer to the people of the United States who elected him. In other words, after giving this extraordinary power to the President of the United States I do not want him, if transportation facilities should break down again, or anybody who, as his friend and his advocate should come around and tell me, "Yes; it broke down, but it was because some one else did not do their part; it was because the Interstate Commerce Commission would not let him raise the rates sufficient to make money to run the railroads adequately"—I want to be able, if these transportation facilities break down in this hour of tragedy and need, to point a finger to him and say, "Mr. President, thou art the man."

Mr. STEVENSON. Mr. Chairman—

Mr. DECKER. I have just got a moment or so, and I would like to go on—

Mr. STEVENSON. Just to ask this question. The gentleman stated a minute ago he did not want the President to go to the Interstate Commerce Commission to get money if there was a shortage. Is not Congress usually in the habit of giving the President in war time all the money he wants, and he does not need—

Mr. DECKER. That is a pertinent question, and one I started to answer before the gentleman asked me. My time remaining is very short, but I will answer it. Who is the best judge of the exigency of the Treasury of the United States, and how much more strain it will bear before this war is over—who is the best judge, the President of the United States or the Interstate Commerce Commission? I understand the fact that if we reduce the rates during this war the people of the United States, if they wanted to, could vote taxes to make up the deficiency, but the honest opinion of the intelligent business men and thoughtful men of this country, I believe, is that the cost of manufacturing should be borne by manufacturing, that the cost of mining should be borne by mining, and likewise the cost of transportation should be borne by transportation throughout this struggle.

But, gentlemen of the committee, I must hurry on. I come, gentlemen, to what I consider the most important part of the bill.

That is the question as to how long Federal control shall last. And let me say at the outset now, men, this is a question that involves only a few lines in the bill, but it is very important. Do not get it into your heads what they have been telling, that if at the end of two years we are not ready to turn them back all we have to do is to pass a resolution through both Houses. That is told you here with a good deal of force, but it is not true, in my humble opinion, and I will tell you why.

What do we do in this bill? In this bill we just give the President the right to make the contract with the railroads for compensation for a certain time. And after that contract is written and signed by the President, do you think Congress could come in and extend it without the consent of the railroads? It can not be done. We can do at the end of two years just what we are doing now. We can make them an offer, and they can take it or let it alone, as they please. You can not continue this thing without their consent, because it is a solemn contract which you and I authorize the President of the United States to make. So, then, gentlemen, we are up to the proposition of how long this shall last. The majority of our committee believed that there should be a definite, specific limit set. I opposed it in the committee, and I oppose it here now. I want to give my reasons.

No man knows what the situation will be when the war is over. In the first place, how long will the war last? Can any man say? What will be the extent of our exhaustion when the war is over? Can you say? What will be the financial situation in this country when the treaty of peace is finally signed and ratified? Can you say? Can you say whether the railroad owners of this country will have the money to take the railroads back when the war is over? Can you say that they will

have the money to supply the equipment and to rehabilitate the railroads so that they will come up to a standard of efficiency in this country that the people of a great Nation deserve and are entitled to? Can you say it? Can you say how much money of the people you will vote during this Federal control and put into the railroads? We put \$500,000,000 in this bill. I predict, and I am no prophet, that it will be a billion and a half or two billions before the war is over. There will be money put into the railroads for rolling stock, for new engines, for new bridges, for new terminal facilities, and for new equipment, and it should be put there. It will be well spent. You know that. It will be money spent in this war in order to have victory. Gentlemen lose sight of the fact that no matter how much steel rails may cost at this time, no matter how high labor is for construction, no difference what things cost, the important thing in this struggle is "the ships must sail." Our boys are on the other side; they are in the trenches. Shall we let them go without food and without clothing? No. We will build entire new railroads if it is necessary in order that "the ships may sail." [Applause.]

Ah, my friends, you who vote to turn these back at a certain time, do you know just how much of the people's money you are turning back to the private owners? Will it be a billion or a billion and a half or two billions of dollars? What is going to become of that money? It does not sound as if it were much now, but a day will come when the sons of toil will ask you, "What did you do with that money?" And you have got to answer them in that day. Are you going to turn it back to them and let them squander it or manipulate it, and let it go as the money in the Frisco or in the New Haven went—into the pockets of profiteers; into the pockets of the men who robbed those railroads for their own private gain?

We now know of some needed reforms from our past experience. Is there a man in this House who does not know that we need a law in this country to regulate the issuance of railroad stocks and bonds? Not one that would dare stand here and say that this system of letting the railroad companies issue as many stocks and bonds as they wish, on their say-so, is just. They used to do that. The New Haven is an example. And the stockholders who have been robbed, the widows who have been made penniless, as the result of the treachery of the owners of some railroads, is a sufficient warning.

The gentleman from Illinois said that the railroad men are honest. There is Ripley, "the grand old man of the Santa Fe." I think he is honest. He will not rob his stockholders. No. But he is 70 years old. He has the confidence of the people, rich men as well as widows and the orphans who have put their money in his road. But there will be a successor to Mr. Ripley, and we ought to be sure that that successor can not do like the officials of the New Haven did when they robbed the investors. Are you going to turn the roads back to the private owners before you pass that kind of a law? That is just one of the needed laws that we know of now. Are you willing to say, gentlemen, in all seriousness, that during this period of Federal control you will not learn something that ought to be done, different from what we have done in the past, in the control and management of the railroads? Do you not want to study the question? And these questions are not settled by you and me in the last analysis. Do you not want to hear from the folks at home? It is their money that we are voting into these roads. Why should you and I set the stop watch? Well, gentlemen, do not dodge it. We can not dodge it. This vote on the limitation means this: An advantage to one side or the other. You know what governmental inertia is. Why, we passed a bill through this House twice for the regulation of railroad stocks and bonds. I have been in Congress for five years, and nothing has come of it yet. Governmental inertia is hard. It takes time for the folks back home to understand and get to moving.

It means an advantage, gentlemen. Do not let them gloss it over and tell you it does not make any difference; that we can come together here in two years, and if we have not the right laws fixed up we can vote to extend the time. I have shown you why you can not do that. It can not be done. It means an advantage to one side or the other. You ask me what I mean by two sides. What is the use of dodging? I am not afraid of it, and you are not, either. The two sides are these on this question:

There are some people in this country who are so opposed to governmental ownership that they would turn the railroads back to the private owners, whether they could get the right kind of legislation to protect the people's interest or not, and trust to the future to remedy the wrong. They are here; they are just as honest and just as patriotic as I am, and I am not impugning their integrity. They may be right. Yet a vote to

keep this limitation in the bill is a vote in favor of giving the advantage to the people who think that way.

Now, on the other hand, there are many of us here and many out in the country who think that it is better to keep these roads in the hands of the Government until we can get the right kind of remedial legislation that will protect the rights and the interests of the people of this country and protect the shippers and the consumers of the country as well as the investors.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. DECKER. Yes.

Mr. LAZARO. How does the Secretary of the Treasury feel about this measure in connection with this limitation?

Mr. DECKER. I do not speak for the Secretary of the Treasury, but I think I am justified in saying, and saying most emphatically, that the Secretary of the Treasury and also the member of the Interstate Commerce Commission, Mr. Anderson, who wrote the bill, stated with the greatest force possible that the interests of our country demanded that there should be no limitation in this bill.

Mr. HARDY. Mr. Chairman, will the gentleman yield right there?

Mr. DECKER. Yes.

Mr. HARDY. Might not the gentleman just as well go further and say what is the fact, in my judgment, that this limitation will in a measure foreclose the right of Congress to pass upon the final question of governmental ownership?

Mr. DECKER. Yes. You always say a thing better than I do. I thank you. I would not say "final foreclosure," but it puts them at a disadvantage, because they have got to move in the matter in a limited time. They have got to overcome what we call around here the "governmental inertia," this thing that prevents the actual enactment of legislation regarding the regulation of the issuance of stocks and bonds while every man in this House believes in the regulation as to the issuance of railroad stocks and bonds. Yet, despite the fact that the bill for that purpose has been reported by our committee, and I have been here five years, it has not passed yet. That is what I mean.

Mr. SWEET. Mr. Chairman, will the gentleman yield?

Mr. DECKER. Yes.

Mr. SWEET. Is it your thought, then, to experiment with the roads during this period?

Mr. DECKER. They are not your railroads, and they are not mine. We have taken them over. If you keep your eyes open, you have got to see an experiment.

Mr. SWEET. And that is your idea about it?

Mr. DECKER. And if you learn anything from the experiment I want you to have a chance to put it into effect after the war is over.

Mr. SWEET. And it is your thought and your argument, then, that that is one of the main things that ought not to be limited?

Mr. DECKER. I do not want you to put words in my mouth, because you are a skillful man. I know who you are. [Laughter.] I mean this: I mean you and I know and other people know the thing as well as we do. We should have done something before this to protect the investors in this country in the railroads. We knew this before the roads were taken over. I say we may learn something new during the period of Federal control; something, for instance, about whether it is better to pool the interests of the railroads, and whether there is too much competition, and whether there is too much duplication; and if we do, why limit the time for putting that knowledge into effect before you turn them back?

Mr. SWEET. You say you may learn something. That is true. Is that one of the main reasons why you are leaving off the limitation, that we may experiment during that period of Government control?

Mr. DECKER. That is a good and valid reason. That is all I need say for that reason.

Mr. SWEET. That is one of your main reasons?

Mr. DECKER. That is good enough for a main reason.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. DECKER. Yes.

Mr. LAZARO. The gentleman says he is in favor of taking off the limitation. Will the gentleman tell the committee how the committee voted on this proposition?

Mr. DECKER. The vote stood 15 to 6, and I think the smartest men on the committee were for the limitation. [Laughter.]

Mr. SIMS. That is good, coming from the gentleman from Missouri. [Laughter.]

Mr. DECKER. I will except the chairman. He was on our side. I will say that. The majority were against us. It may have been 15 to 6 or it may be 15 to 4. But it is a question you can understand as well as a member of the Committee on Interstate and Foreign Commerce. That question is not hard to understand. That question is an important question. You can not say "I will follow the committee on this question," for the man who follows the plow will say, "Why did you foreclose my right to pass upon this question?" You can not follow anybody on this question, because the people are going to look into it, and they are going to say, "What did you do with our money during the time of war?"

There are some people, as I said before, that will want to get these roads back to private ownership if we put \$5,000,000,000 into them, and they would give them back with mighty poor security for the \$5,000,000,000 in order to avoid Government ownership.

They think Government ownership is an awful danger. There is no use in dodging it. But that does not mean Government ownership if you leave the question open. Some people believe in Government ownership. Some believe that perhaps the present system of Government control would be a good thing permanently. Some people believe that we ought to own the roadbeds and lease the roads to private individuals for operation.

There are many different theories as to how this would best be done, but the point I am making is this: I want to hear from the folks at home. I want my people to have a chance to speak, and I stand here in the House of Representatives and protest against the Congress foreclosing the people's right to speak or make it difficult for them to bring about needed reforms in this country. [Applause.] There are some people in this country who believed that we should have put that railroad stock and bond regulation measure through before those men had wrecked the New York, New Haven & Hartford Railroad. There are some who believe that we should have cheaper rates in this country and a larger Interstate Commerce Commission before we turn the railroads back. Should they not have a right to think it over? It may take the folks back home a long time to understand these things. We have been five years in trying to get through Congress a bill that almost everybody in this Congress believes in.

You say two years are a long enough time in which to pass needed legislation. That depends on how many other bills you have got to pass. There will be other questions troubling the hearts and the minds of the American people. There may be the good old tariff question. The economic situation throughout the world is being changed. The boys will be coming back from Europe. It may be that they will come back maimed and halt, though I hope not. The mothers' and fathers' hearts will be sad and torn, and we will be asked to make provision for these boys which will be adequate, so far as we have the ability. There will be many other questions. Some people say when this war is over, or even before it is concluded, we should change our military system and have universal military service. That may be a question and it may not. It depends on when the war is over and how the war shall end. Can you tell what questions will be for settlement, my friends? Then why say that in spite of what may be before us, this question must be settled in a given time. We are out on the sea; it is a stormy sea; we do not even know what port we will have to make. Why say that we have got to get into the harbor at a certain date?

Mr. RUSSELL. Why bind our own hands?

Mr. DECKER. Why bind our own hands when we have a herculean task to perform? Ah, my countrymen, they have talked here about many things, but I will tell you what I am afraid will happen. I am afraid the thing will happen that has happened before in the history of the world in time of war. I am afraid it will happen that the rich and the powerful—those who own these vast interests, who speculate in the stocks and bonds of railroads and wreck them sometimes—not always—I am afraid these men will again fatten and grow richer still on governmental favoritism; not because you are not as honest as I am, but because you limit the time for the people to act in their own interest. They will fatten on the public favoritism while the people's hearts at the close of the war are torn with anguish, and while their minds are distracted with many other problems than that of the railroad question. My friends, why set a limit here; why foreclose the right of my people to speak on this question? That is all I ask. Let the people rule. You need not worry. They will rule in the end, anyway. You and I need not try to set a limit to their power. It can not be done in this land of ours. [Applause.]

I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back three minutes.

Mr. ESCH. I yield 45 minutes to the gentleman from Wisconsin [Mr. LENROOT].

By unanimous consent, Mr. LENROOT was given leave to revise and extend his remarks in the RECORD.

Mr. LENROOT. Mr. Chairman, I intend to discuss chiefly the question whether the draftsman of this bill has expressed in proper phraseology the intention that the committee and the draftsman have; and I think before I get through I will be able to show that there are so many inaccuracies and absurdities in the bill as framed that it will be difficult, if not impossible, under the five-minute rule, to correct them.

But, Mr. Chairman, before going into that I do want to make a few preliminary general observations. The Interstate Commerce Commission has been charged with being responsible for the situation which existed that made it necessary for the Government to take over the railroads. I want to devote a few minutes to denying that charge, and think I will be able to show conclusively that the Interstate Commerce Commission is in no wise responsible for that condition.

It is true that railroad stocks have been going down, down, down for a long time past, but that is not due to the action of the Interstate Commerce Commission. It is due in very large part to the reckless mismanagement of some railroads in this country, like the New Haven, the Rock Island, the Frisco, and other roads, whereby the great majority of the roads that are well managed have been compelled to suffer with them, because the investing public has become suspicious of all railroad stocks.

Secondly, it has been because in the efforts of these railroads to get the Interstate Commerce Commission to increase their rates they have for years been maintaining that they were not securing adequate rates upon which to pay a fair return upon their property. In every railroad station in the United States for the past three or four years you have seen notices posted up warning the public that the railroads were facing bankruptcy because of the inadequate rates that they were receiving. In the face of statements of that kind was it to be wondered at that the investing public of America believed what the railroads said, and therefore hesitated to invest their money in railroad stocks? Why, gentlemen, if a department store here in the city of Washington should advertise to-morrow that it was facing bankruptcy and that it was not making a fair income, and then the next day in another advertisement should ask the public of Washington to buy its stock, would it be wondered at if the public refused to buy that stock? Of course not. Now, the results show that upon every application that has been made by the railroads to the Interstate Commerce Commission, where that commission has denied the application to raise the rates, subsequent events have justified the action of the commission. To prove that, I need only to point to the fact that whereas the railroads claimed that they were facing bankruptcy because of inadequate rates, the last two fiscal years, 1916 and 1917, were the most prosperous years in the history of the railroads. So that it is not correct to state that the necessity of taking over the roads was due to the action of the Interstate Commerce Commission.

But I do not for a moment mean to say that it was all due to lack of proper management upon the part of the railroads. There was one thing that Congress ought to have done just as soon as war was declared, and if we had had any independence in Congress, if we had had the courage to assert for ourselves the right to initiate legislation relating to the war, just as soon as war was declared we would have repealed the anti-pooling statutes relating to railroads during the existence of the war. But we have got into such a condition in both Houses of Congress that Congress does not dare initiate or suggest any legislation, but must wait for the President to initiate everything. But the President did not ever suggest to Congress that during the war the anti-pooling statutes should be repealed.

Another reason for the condition that arose is this: Last year Congress passed what was known as the priority statute, permitting the President to give orders for preference upon the railroads to commodities necessary to prosecute the war. The intention of Congress was good, the intention of Congress was to expedite the war. But how was it administered? Because of the absolute incompetency in the administration of that priority statute, instead of expediting the war it actually hampered it. And the fact is that upon one railroad, one of the main railroads of this country, the administrative side of this Government issued priority orders covering 85 per cent of the entire traffic of that road. Was it to be wondered at that there was chaos on that railroad, and the proof is that the moment Mr. McAdoo assumed the control of the railroads he repealed every priority order that had been issued.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. COOPER of Ohio. Is it not a fact that there were four or five organizations here in Washington all issuing priority orders?

Mr. LENROOT. There were. I want to say in advance that there is so much ground to cover that I must decline to yield to interruptions. Another reason for the conditions that existed is that it was not because of lack of money that the railroads could not secure locomotive equipment; it was because of the inability to secure them, although they had plenty of money. The crying need in railway transportation of this country was locomotives. They gave their orders to the factories in this country for the construction of locomotives, but through the action of the Government preference was given to France, preference was given to England, and preference was given to Russia. That was justified at the time, but there was a time, months ago, when every preference order, so far as Russia was concerned, should have been repealed by the Government, and the American locomotive factories should have been permitted to go on and construct locomotives for American railroads, which they refused to do. [Applause.]

So when we come to analyze the cause for this congestion the fault is not wholly with the railroads, the fault is not wholly with Congress, the fault is not wholly with the administrative side of the Government, but the fault is with all three of these sources, and not that of the Interstate Commerce Commission.

Now, with reference to the bill I want to take a few moments on a few controverted propositions. First as to compensation: I believe that the compensation provided in this bill is extremely liberal; but, on the other hand, I am not at all certain that the compensation that is permitted in this bill is any greater than the railroads would be entitled to under the law. I can not go into that, but I do want to call attention to the fact that this bill as framed does not fix the compensation to which the railroads will be entitled; it fixes merely the maximum which the President may agree with the railroads to pay. That it is generous can easily be proven in the case of some railroads. I shall insert in my remarks a table prepared by the statistical division of the Interstate Commerce Commission, giving the returns upon capital stock of all railroads in the country paying over 5 per cent in dividends. If the President shall see fit to grant the maximum to railroads that this bill provides, he would grant to the Pennsylvania Railroad a return upon their capital stock of 8.92 per cent. To the Pennsylvania Company 11.90, to the Philadelphia & Reading 25.70, to the Delaware, Lackawanna & Western Railroad 32 per cent upon their capital stock. I shall not take the time to read the list, but I want to call attention to some of the smaller roads as to what they will be permitted to receive.

The Duluth, Missabe & Northern Railroad up in the section where I live would be entitled, if the President chooses to give the maximum which the bill permits, to receive 114 per cent on its capital stock.

Now, remember that this provision is permissive only. If the President sees fit to allow some of these railroads these exorbitant returns, that responsibility will be his and not ours. We have the right to assume that inasmuch as we will unquestionably have to pay many roads more than the returns provided, that the President in making these agreements will see to it that the maximum amount of some of these roads shall be cut down.

But some one may say, if these roads are legally entitled under the law to these great returns, ought they not to have it? In reply to that I will say that they may be legally entitled to that large return, but if they stand on their legal rights the President ought to stand on his rights, which is permitted in the bill, and say to them, "If you will not make a fair agreement with me, you can go into the Court of Claims and we will not pay you a dollar until they make an award."

Now, I want to say a few words about the power of the Interstate Commerce Commission to finally pass upon these rates or whether the President shall have the right, as is proposed in the bill as it now stands, to exercise that power. I want to read a line or two from the report of the committee. The majority report of the committee says:

The rate fabric of the country is now based upon the competitive system.

I understand that the gentleman who drafted this bill was not a Member of this House and was not a Member of the Senate, but one Mr. George W. Anderson, a new member of the Interstate Commerce Commission, and, as I think I shall be able to demonstrate a little later, anyone who could draft a bill with the inaccuracies that are found in the bill itself—it is not to be wondered at if mistakes might be made in the

report if it was written by the same gentleman. Because I can not believe that my good friend, the chairman of the committee, who has a thorough knowledge of railways and of the interstate commerce law, would deliberately make the statement that I have read—"the rate fabric of the country is now based upon the competitive system."

Why, the gentleman knows that the very purpose of the interstate commerce law was to prevent that competitive condition that arose before regulation.

Mr. SIMS. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. SIMS. Is it not a fact that the Interstate Commerce Commission is allowed to lower the rates—

Mr. LENROOT. Oh, if the gentleman will be patient, I assure him that I will discuss that question in a few minutes. I will come to it in a moment or two, but I want to take my own time and my own way in doing so. The competitive theory that the interstate commerce law was designed to prevent and did prevent was the old system, where, for instance, the Pennsylvania Railroad would go to a man in Washington that had a shipment to make and say, "If you will give it to our road, we will carry it for so much." The Baltimore & Ohio would go to the same man and say, "We will carry it cheaper than the Pennsylvania." That was one of the things that the law was designed to prevent.

That is one of the things which it was designed to prevent, and the very purpose and scheme, instead of compelling a competition of rates, was to secure uniformity of rates, and now I come to the question that the gentleman from Tennessee [Mr. Sims] asks. He says, Has not the Interstate Commerce Commission frequently permitted a lower rate where there is water competition? I say yes; but the gentleman does not seem to make the distinction between the Interstate Commerce Commission ordering a rate and permitting a rate, and the distinction ought to be made.

Mr. SHERLEY. But is not the gentleman making the mistake of confusing rebating with competition? They are not synonymous.

Mr. LENROOT. And I ask the gentleman, does he think that under existing circumstances the old practice can be continued? I am not speaking of rebating at all. Rebating means where they assume to charge the same rate and then pay back a portion of the rate charged.

Mr. SHERLEY. The illustration the gentleman used was certainly a rebating illustration.

Mr. LENROOT. It is not. A rebating instance is not where the Pennsylvania says, "I will carry your product for so much," and the Baltimore & Ohio says that it will do it for a lower rate. A rebating proposition is where they both on the face of it make the same charge, but one pays back a portion of the rate charged.

Mr. SHERLEY. That is not the only rebating situation. I do not want to take the gentleman's time—

Mr. LENROOT. I can not yield.

Mr. SHERLEY. Just one other suggestion, and I am through. Does not the gentleman think that most of the rates that are now in existence are rates that were initiated by the railroads, as the result of competition, but which have been in a manner modified here and there by the commission?

Mr. LENROOT. And I shall ask the gentleman—and he is one of the most distinguished men in the House—does he agree with the statement that the present railroad rates as a whole are based on competition?

Mr. SHERLEY. Yes; and no. I agree to it as much as I disagree with the gentleman's statement that they are not at all based on competition, because that statement is, in my judgment, just as far from the facts.

Mr. LENROOT. No; the Interstate Commerce Commission, in any order that it has ever made, never has made a rate saying to one railroad, "You must put into effect this rate so that you will compete with another rate."

Mr. SHERLEY. No; but it has permitted it because of competitive conditions.

Mr. LENROOT. And the gentleman then makes the distinction. The committee in this report is very clear that they contend the scheme of railroad regulation by Interstate Commerce Commission is to compel competitive rates. But there is a distinction between compelling competitive rates and permitting them.

Mr. SIMS. The gentleman does not want to insinuate that anybody has ever contended that there was a compulsory competitive rate system, but a permissive rate system—that is, one railroad may reduce its rates honestly and fairly, not simply to crush another, and it has the right to do so.

Mr. LENROOT. I may have gotten that idea from the gentleman's report, if it had not been that he stated later in the report that if we should give the Interstate Commerce Commission the right to control these matters it would be necessary to entirely rewrite the Interstate Commerce Commission law, because he says that law was based on competition, which is the thing that I deny.

Mr. SIMS. Yes; competitive agencies fighting for the freight.

Mr. LENROOT. It permits competition, but it does not in any line or sentence command it. And again, and I can only take a moment upon this, the gentleman says in his report that there should be a different basis now that the railroads are under the control of the Government. But the gentleman's bill says that the basis of the rates fixed by the President shall be such rates as are reasonable and just, and he has used exactly the same language—the same words—that are used in the interstate-commerce act that is the guiding rule for the Interstate Commerce Commission. The rule is identical in both cases.

Mr. ESCH. With one exception. The bill uses the word "fair," and that is not used in the interstate-commerce act, and I have never been able to understand why it was used in the bill.

Mr. LENROOT. Nor I; and coming now to an analysis of the bill, I want to acquit the committee of any criticism that I shall make concerning the various sections of the bill, because I realize that the committee did not go over this bill section by section with a view of determining whether its phraseology expressed the intent that they had in the bill. That is conclusively proven, because many of the same errors I shall point out existing in the House bill now before the House are also found in the Senate bill now before the Senate. I realize very well that the committee spent all of its time practically in considering the great controverted questions in the bill, and they assumed that the drafter of this bill knew what he was about in drafting the bill, and all I care to say is that in that respect the committee, greatly as I respect them, have been the victims of misplaced confidence, as I think I shall be able to show. In the very first section of the bill it recites that the President, having in time of war taken over certain railroads, "called herein carriers," is authorized to agree with and guarantee to such carriers, and so forth. This is not very important, except to show the reckless carelessness upon the part of the drafter of the bill. What is it that the President took over? Did he take over the Pennsylvania Railroad Corporation? Did he take over any railroad corporation? No. He took over certain physical property and nothing more, and the drafter of this bill says that physical property that we have taken over we shall hereafter in the bill call "the carrier," and then he goes to say that the President is authorized to agree with such carrier to pay it so much money.

Why, gentlemen, if you give me the possession of a horse and I say to you, "I will agree to pay that horse so much for the use of it," what would you think of it? And yet that is exactly what has happened in this bill. We have agreed to pay an inanimate thing, physical property, make an agreement with physical property to pay it so much money. Then we go on two or three lines further and provide that during the period of such Federal control it shall receive a just compensation not exceeding an annual sum. Now, what is the agreement the President is authorized to make in this section? That they shall receive a fixed sum? No. The language is that he is authorized to agree with the Pennsylvania Railroad, we will say, that while your road is under Federal control I will guarantee that you will not get from the Government more than so much. What do you think that agreement would be worth? How much value do you think it would be to the railroads? What railroad do you think would enter into such an agreement as that? Now, I want to say that this absurdity is due to an amendment upon the suggestion of the committee, as I find from the hearings, made by the drafter of the bill, because in the first bill which was introduced we find no such anomaly. There it was provided that they shall receive as a just income the income at an annual rate equivalent to, and so forth. That was fixed, that was certain, but they have inserted here "not exceeding," and the purpose as developed from the hearings was to authorize the President to make any agreement that he might choose below that sum. In other words, that the authority to the President is that he shall not pay them more than so much under this agreement. Then we go on, "not exceeding an annual sum (herein called standard return)." Now, what is a standard return under the bill? It is this maximum sum that the President is authorized to fix, but later on all through the bill the standard return has been treated not as a sum which the Interstate Commerce Commission fixes, but a sum which the President is authorized to agree upon, so if the

President should agree with the Pennsylvania Railroad for a less sum than this maximum sum, that provision in the bill for reduction from the standard return would have no application whatever. Then—I only touch upon a few of these things—if you will turn to page 2, line 4, with reference to including the income of railroads leased to or acquired by another road during this three-year period, we find the language, "including therein such income of lines acquired by." "Such income." What does "such" refer to? The preceding language is, "they shall be entitled to the average annual operating income," and then it says, "but there shall be included such income." What? Such average annual operating income? That is impossible, because this bracket provides that it shall apply only to roads that are acquired during this period, and no such road can have a three-year income to secure an average.

Does it mean that all incomes of these roads shall be included? It can not mean that, because the theory of this bill is that only net operating railway incomes would be included. Evidently what the framers of the bill intended was that a road making operating returns in 1915 and acquired by another road in 1916 and 1917, the revenue from that acquired road would all be reflected in the operating return of the road acquiring it; but during 1916, when it did make operating return, the rate there should be added to the revenues of the road with which we are dealing—the revenues of that road during that period of 1915, and then, adding them all together and dividing by three, we get the standard return for the road with which we are dealing. But the bracket clearly does not say that and it could not be so considered. Then there is another very little matter—lines 11 and 12—in reference to the rate per annum to be fixed by the President from the cost of any additions or betterments, where we find the words, "less retirements or road extensions." You readily see it clearly was not the intention to have him deduct the cost of road extensions, but to allow them a rate per cent upon the cost of those road extensions; but as this reads, he would be compelled to deduct the cost of road extensions, and that is an error.

Mr. ESCH. It is a typographical error, owing to the misplacing of a comma. I called attention to it in the committee and thought it had been corrected, but evidently it is still retained in the print of the bill.

Mr. LENROOT. In lines 14, 15, and 16, "that any railway operating income accruing during the period of Federal control in excess of such standard return shall remain the property of the United States." Now what does that mean? Section 1 provides that this shall be payable in annual installments, thereby clearing implying that all revenues of these roads belong to the Government, but when you say "remain the property of the United States" you clearly get another conclusion. The original bill very properly said it should be the property of the United States, and I think there ought to be in this bill a clear declaration that all operating revenues shall be the moneys of the United States, and I shall offer at the proper time an amendment to that effect. Immediately following that, "in excess of such standard return." Suppose the President makes an agreement with the road for less than the standard return, and this language says that moneys in excess of the standard return shall remain the property of the United States. Whose money is it—the difference between the standard return and the amount that the President fixed in the agreement? Then, again it says, "and that each carrier so agreeing shall thereby become subject to all the provisions of this act." Later on there are many important provisions that are clearly intended, it seems to me from reading the hearings, to apply to all roads whether they are agreeing roads or not, and yet this language very clearly implies that the carrier is not bound by any of the provisions of this act unless he enters into an agreement, because it expressly says that the carrier agreeing to do that shall be bound by the provisions of the act.

Now, I have got to hurry along. I can only touch the more important points. But upon the same page it says:

In the computation of such income, debts and credits, arising from the accounts called in the monthly reports to the Interstate Commerce Commission, the equipment rents and joint facility rents shall be included.

Now, under the President's proclamation he has not taken over any street railway or interurban railway, and as their revenue will be included in the operating returns of these carriers the commission's duty will be to ascertain that standard return. There certainly should be a provision excluding from those operating revenues any revenue of any road that was not taken over by the Government.

And then on the same page the commission is limited in ascertaining the cost of betterments and road extensions to

reports, books, and other pertinent data of such character. Will anyone tell me that if the President orders a million dollars expended on betterments why the commission should be confined to the books and data of the railroad company to ascertain the cost? Ought they not to be permitted to find and ascertain that cost wherever they can?

Then the provision on page 3 with reference to taxes—and I am very much surprised to find the matter of taxes dealt with in this form:

Every such agreement shall provide that any Federal taxes—

And so forth. And it provides for the exclusion of war taxes, but you can not find one word in this bill relative to taxes except taxes upon agreeing roads. What about the roads that do not agree, that do not enter into an agreement? Who is to pay the taxes there? There is no prohibition in this bill. And under the classification accounts of the Interstate Commerce Commission, except for the exclusion by this bill of war taxes, every dollar will be included in the operating expenses, and under this bill the Government will pay the war taxes of any road that does not make an agreement.

And then—

not including, however, assessments for public improvements—

And so forth. That is not to be taken out of operating revenues. Why should it not? Are you going to deprive the municipalities throughout the Nation, who have levied special taxes against a railway, from collecting in the usual way those taxes, even though they be special assessments? Can anybody give any reason why that should be done? How will they collect them if they can not be paid out of operating revenues? Where we have taken over all the physical properties, all that there may be in the taxing jurisdiction that they can reach, is that property. What, of course, should be done is to permit the paying of those taxes, but instead of being charged to operating expenses they should be charged to betterments and capital account as they are now under the Interstate Commerce Commission.

Then, in section 2, and there are many matters I have to pass over—in section 2:

That if no such agreement is made the President may nevertheless pay to any carrier while under Federal control an annual amount, payable in reasonable installments, not exceeding 90 per cent of the estimated annual amount of just compensation.

I want to ask why there should not be the same maximum of standard return that the President is authorized to pay voluntarily in this case that there is in the case where the railroads agree? The same limitation should be placed upon the President.

And then, in section 3:

Failing such agreement, either the United States or such carrier may file a petition in the Court of Claims for the purpose of final ascertainment of the amount of such just compensation.

I merely want to call attention here to the fact that the bill contemplates betterments and improvements being made from time to time, and it should be provided that the Court of Claims may open that award and revise it at any time where the President may be unable to agree upon the compensation that they receive.

And then in the very next section they provide:

That the just compensation that may be determined as hereinbefore provided by agreement or that may be adjudicated by the Court of Claims shall be increased by an amount reckoned at a reasonable rate per centum to be fixed by the President upon the cost of any additions and betterments.

Is there any lawyer in the House who will say that the return the carrier is entitled to receive upon the cost of betterments and additions is not just as much a judicial question, that the President can not be given power to finally determine, as the initial question, as to the amount of compensation that the railroad should receive? Of course, we can not delegate to the President any such power as that which is attempted in this section.

And again, in section 5, here is a prohibition upon the dividends that may be paid by railroads during the period of Federal control. I would like to have some lawyer in this House tell me what authority we have to say to any carrier that it shall not pay dividends during this period of Federal control, dividends that have been earned, it may be, and to be paid out of earnings that may have been made prior to the date of taking over under Federal control. What possible power have we over it? It is their money. What right have we to deal with it? And, indeed, it is very questionable whether we have any power to deal with their right to pay dividends out of this compensation that we pay them. They are entitled under the law to a reasonable compensation for the value of the use. I very much doubt

whether we have any right to say what they shall do with the money that the law says they are entitled to receive.

I want to stop at section 9 for a moment, which relates to the short-line railroads. I asked some questions about that during the debate, and was told that that clearly did restrict the power of the President that he might otherwise have. But, then, we come in the next section to—

That nothing herein contained shall be construed as modifying or restricting the powers heretofore conferred upon the President.

What does that mean? In the very section preceding that they tell us they have restricted the powers of the President, and in the second line of the next section they say that nothing in this act shall be construed as doing that which they have in the section before tried to do.

Then, in section 11, and a most important section, it gives to injured individuals the right to sue these railroads. But on line 2 of page 12 we find that, if it is inconsistent with any order of the President they shall not have the right to sue. What does that mean? It means the President, under the language of this bill, can absolutely deny any relief to any injured party. It means more than that. It means that if the President says that under the interstate-commerce law safety-appliance laws are violated, if hours of service are violated, if injury occurs through the negligence of the Director General of the Railroads himself, there can be no remedy if the President so orders. Why, gentlemen, here is a power expressly recognized, that makes the President over and above not only this law but all laws, and it ought not to be considered for a single moment. So upon the question of interstate commerce. The committee report pleads that the President ought not to be overruled, that it would be "most unseemly"—I think that is the language—to permit the Interstate Commerce Commission to overrule him.

I want to say a word about the powers of the President. The President of the United States has no power, under this law, or under the law delegating to him the power to take over the railroads, that he exercises by virtue of his office in the sense that it is delegating to him a power that we could not delegate to anybody else. We could delegate this power to any official of the United States, and in carrying out this act the President is exercising only a delegated power, and in exercising that delegated power he is no greater by being President of the United States than the Interstate Commerce Commission. I hope we have not come to the point yet in this country where we are going to invoke the old doctrine that "the King can do no wrong." [Applause.] That seems to be the attitude of the committee.

Then they provide that no defense shall be made thereto on the ground that the carrier is the instrumentality or agency of the Federal Government. I am sure that there is not a lawyer who will say, upon reflection, that that would stand before any court in the country in a case where, except for this, they would have the right to interpose that defense.

Supposing, for instance, the Director General of the railroads orders a railroad to put defective cars in its trains, and because of that defect an employee is injured, and then he sues the carrier, and you say to the carrier, "You shall not interpose the defense that you are an instrumentality or agency of the United States." Have you not attempted to deprive the defendant of the constitutional right of proving that the fact of negligence was not that of himself, but that of his superior acting under a lawful order?

Oh, the gentleman from Tennessee [Mr. SIMS] shakes his head. But I undertake to say that the gentleman can find no case in the books that will make the agent liable for the negligence of the principal in this kind of a case so as to relieve the principal.

Now, there is only one way in which that can be cured, to my mind, and that is by adding a provision to the effect that any judgment or award that may be made as the result of such suit shall be paid either out of the operating revenue or the revolving fund, so that the railroad company will become only a nominal defendant and thereby it will not be permitted to make this defense.

Mr. SIMS. There is no controversy on that, that I know of.

Mr. LENROOT. I do not find it in the gentleman's bill, so I suppose there is some question about it.

Mr. SIMS. As to everything that we did not prohibit or that comes in the law, we did not have to detail it in all its ramifications.

Mr. LENROOT. Do you say the railroad is not liable for the enforcement of the judgment that otherwise would not be rendered against it? I will have an amendment to offer when the time comes, if I can get consideration of it.

Mr. DECKER. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. DECKER. I do not understand that it is not payable out of the operating expenses of the road.

Mr. LENROOT. For the reason that the judgment may be levied upon nonoperating revenue. If the negligence is not that of itself, but that of the Government, it can not be deprived of making that defense unless we expressly provide for the payment of the award in the manner I suggest. That is the point. [Applause.]

I am sorry that because of the expiration of my time I can not discuss other matters in the bill. I insert the table referred to in the early part of my remarks. I also insert some suggested amendments to perfect the bill.

Road.	Capital stock actually outstanding (average for the 3 years ended June 30, 1917).	Average net income for the 3 years ended June 30, 1917.	Average per cent of net income to capital stock.
EASTERN DISTRICT.			
Pennsylvania R. R. Co.	\$499,195,567	\$44,534,939	8.93
New York Central R. R. Co.	249,676,128	32,367,269	12.96
Baltimore & Ohio R. R. Co.	210,899,812	12,285,229	5.83
Pennsylvania Co.	80,000,000	9,537,859	11.92
Philadelphia & Reading Ry. Co.	42,481,700	10,916,875	25.70
Delaware, Lackawanna & Western R. R. Co.	42,320,403	13,890,569	32.90
Pittsburgh, Cincinnati, Chicago & St. Louis R. R. Co.	67,511,723	4,558,593	6.75
Lehigh Valley R. R. Co.	60,608,003	7,169,999	11.83
Cleveland, Cincinnati, Chicago & St. Louis Ry. Co.	57,027,280	5,048,902	8.85
Michigan Central R. R. Co.	18,736,400	3,493,464	18.48
Central R. R. Co. of New Jersey	27,436,800	5,558,775	20.25
Delaware & Hudson Co.	42,502,600	5,437,547	12.79
Philadelphia, Baltimore & Washington R. R. Co.	25,571,000	2,941,156	11.50
Pittsburgh & Lake Erie R. R. Co.	31,991,200	7,537,923	23.56
Elgin, Joliet & Eastern Ry. Co.	10,000,000	945,239	9.45
Maine Central Ry. Co.	18,199,317	1,005,075	8.82
Buffalo, Rochester & Pittsburgh Ry. Co.	16,500,000	1,500,021	9.45
Bessemer & Lake Erie R. R. Co.	500,000	3,234,080	647.22
Chicago & Erie R. R. Co.	100,000	70,449	70.45
Hocking Valley Ry. Co.	10,999,500	1,313,129	11.94
West Jersey & Seashore R. R. Co.	10,317,983	691,139	6.70
Central New England Ry. Co.	8,547,200	717,559	8.40
New York, Philadelphia & Norfolk R. R. Co.	2,301,000	803,308	35.74
Rutland R. R. Co.	9,150,320	575,651	6.29
Bangor & Aroostook R. R. Co.	4,079,067	337,803	8.28
Cumberland Valley R. R. Co.	5,335,550	1,280,684	24.01
Kanawha & Michigan Ry. Co.	9,001,000	991,605	11.02
Lehigh & New England R. R. Co.	6,003,000	819,722	13.66
Chicago, Terre Haute & Southeastern Ry. Co.	4,310,000	234,761	5.46
Lehigh & Hudson River Ry. Co.	1,310,000	374,915	27.98
Monongahela Ry. Co.	3,800,333	351,809	9.26
Cincinnati Northern R. R. Co.	3,000,000	288,573	9.65
Port Reading R. R. Co.	2,000,000	182,547	9.13
Trois-Rivières & Lake St. Lawrence R. R. Co.	1,428,000	348,020	24.37
Buffalo & Susquehanna R. R. Corporation	7,000,000	496,272	7.09
Staten Island Rapid Transit Co.	500,000	160,119	32.02
Detroit & Mackinac Ry. Co.	2,950,000	218,976	7.42
Total eastern district	1,593,322,780	182,021,748	11.48
SOUTHERN DISTRICT.			
Illinois Central R. R. Co.	109,288,114	12,363,882	11.33
Louisville & Nashville R. R. Co.	72,000,000	12,058,800	16.75
Norfolk & Western Ry. Co.	135,880,887	17,342,810	12.81
Chesapeake & Ohio Lines	62,788,000	5,848,481	9.31
Atlantic Coast Line R. R. Co.	68,734,700	7,424,004	10.83
Central of Georgia Ry. Co.	20,000,000	1,878,570	9.39
Nashville, Chattanooga & St. Louis Ry.	15,994,831	2,175,426	13.60
Mobile & Ohio R. R. Co.	6,016,890	888,067	14.76
Cincinnati, New Orleans & Texas Pacific Ry. Co.	5,443,400	2,448,928	44.96
Florida East Coast Ry. Co.	10,833,333	1,000,321	10.06
Alabama Great Southern Ry. Co.	11,210,353	1,364,246	12.17
New Orleans & North Eastern R. R. Co.	6,000,000	640,449	10.77
Richmond, Fredericksburg & Potomac R. R. Co.	4,315,067	979,486	22.70
Georgia Southern & Florida Ry. Co.	3,788,000	222,180	5.90
Charleston & Western Carolina Ry. Co.	1,200,000	200,036	21.67
Gulf & Ship Island R. R. Co.	7,000,000	373,070	5.33
Alabama & Vicksburg R. R. Co.	2,100,000	360,784	17.18
Washington & Southern Ry. Co.	4,000,000	348,841	8.72
Atlanta & West Point R. R. Co.	2,483,800	282,922	11.89
Western Railway of Alabama	3,000,000	251,851	8.39
Total	551,745,082	68,630,910	12.37
WESTERN DISTRICT.			
Atchafalpa, Topeka & Santa Fe Ry. Co.	332,323,877	32,239,091	9.70
Southern Pacific Co.	272,785,239	17,983,726	6.60
Chicago, Milwaukee & St. Paul Ry. Co.	233,235,167	14,336,613	6.15
Chicago, Burlington & Quincy R. R. Co.	110,839,100	24,444,045	22.05
Chicago & North Western Ry. Co.	157,591,852	10,040,315	10.18
Great Northern Ry. Co.	249,361,868	24,021,687	9.63
Northern Pacific Ry. Co.	247,932,000	24,287,781	9.87
Union Pacific R. R. Co.	321,835,100	31,018,328	9.64
Minneapolis, St. Paul & S. Ste. Marie Ry.	37,810,200	4,571,790	12.09
Oregon Short Line R. R. Co.	100,000,000	9,351,016	9.38

Road.	Capital stock actually outstanding (average for the 3 years ended June 30, 1917).	Average net income for the 3 years ended June 30, 1917.	Average per cent of net income to capital stock.
WESTERN DISTRICT—continued.			
Texas & Pacific Ry. Co. (Rec.)	\$38,755,110	\$2,548,330	6.58
Chicago, St. Paul, Minneapolis & Omaha Ry. Co.	29,815,000	2,854,452	9.57
Duluth, Missabe & Northern Ry. Co.	4,112,500	4,683,088	114.12
El Paso Southwestern Co.	25,000,000	2,190,198	8.76
Houston & Texas Central R. R. Co.	10,000,000	1,088,368	10.88
Duluth & Iron Range R. R. Co.	5,333,333	2,040,987	38.27
Fort Worth & Denver City Ry. Co.	9,243,800	1,297,029	14.03
Panhandle & Santa Fe Ry. Co.	604,500	389,097	64.37
St. Louis, Brownsville & Mexico Ry. Co.	500,000	263,544	52.71
Chicago, Rock Island & Gulf Ry. Co.	469,000	83,685	17.84
Bingham & Garfield Ry. Co.	6,171,667	1,405,681	22.78
Louisiana Western Ry. Co.	3,360,000	802,684	23.89
Nevada Northern Ry. Co.	2,000,000	879,907	43.99
Vicksburg, Shreveport & Pacific Ry. Co.	4,999,300	299,634	5.99
Houston East & West Texas Ry. Co.	1,920,000	234,199	12.20
Cripple Creek & Colorado Springs Ry. Co.	757,000	171,612	22.67
Colorado & Wyoming Ry. Co.	100,000	162,636	162.64
Wichita Valley Ry. Co.	1,020,000	117,936	11.56
Arizona & New Mexico Ry. Co.	2,770,000	237,614	8.58
Total.	2,210,635,611	220,076,073	9.96

AMENDMENTS INTENDED TO BE PROPOSED.

Page 1, line 6, strike out the words "called herein carrier" and the parentheses.

Page 1, line 7, strike out the words "any such carrier" and insert "the owner of any such railroad or system."

Page 5, after line 19, insert a new paragraph, as follows:

"Wherever used in this act the word 'owner' includes any person, corporation, partnership, or association who, during any portion of the period of Federal control of a railroad or system of transportation would be entitled to the possession, use, and control of such railroad or system in the absence of Federal control thereof. Wherever in this act reference is made to the period of Federal control in connection with an owner, it shall be taken to refer to the portion of such period during which such owner, but for such Federal control, would have been entitled to the possession, use, and control of the railroad or system of transportation."

Page 1, lines 7 and 8, strike out the words "making operating returns to the Interstate Commerce Commission" and insert "for which operating returns were made to the Interstate Commerce Commission during the three years ending June 30, 1917."

Page 2, strike out all after the semicolon in line 14, through the semicolon in line 16.

Page 7, after line 21, insert a new section numbered "5" and to read as follows:

"Sec. 5. That moneys and other property derived from the operation of the railroads or systems of transportation during Federal control are hereby declared to be the property of the United States. Unless otherwise directed by the President, such moneys shall not be covered into the Treasury, but such moneys and property shall remain in the custody of the same officers and the accounting thereof shall be in the same manner and form as before Federal control. Disbursements therefrom shall, without further appropriation, be made in the same manner as before Federal control, and for such purposes as under the Interstate Commerce Commission classification of accounts in force on December 27, 1917, are chargeable to operating expenses or to railway tax accruals, and for such other purposes in connection with Federal control as the President may direct, except that taxes under Titles I and II of the act entitled 'An act to provide revenue to defray war expenses, and for other purposes,' approved October 3, 1917, or any act in addition thereto or in amendment thereof, shall be paid by the owner out of his own funds. If Federal control begins or ends during the tax year for which any taxes so chargeable to railway tax accruals are assessed, the taxes for such year shall be apportioned to the date of the beginning or ending of such Federal control and disbursements shall be made only for that portion of such taxes as is due for the part of such tax year which falls within the period of Federal control."

"Such custody and disbursement shall, however, be subject to the direction of the President, and all officers and employees having custody or control of any of such moneys or property shall be subject to all criminal laws regarding the custody and control of public moneys or property so far as not inconsistent herewith."

"At such periods as the President may direct the books shall be closed and the balance of revenues over disbursements shall be covered into the Treasury of the United States to the credit of the revolving fund created by this act. If such revenues are insufficient to meet such disbursements, the deficit shall be paid out of such revolving fund in such manner as the President may direct."

Page 2, strike out all after the word "States," in line 16, through the word "act," in line 18, and, on page 5, after line 19, and before the paragraph inserted by a previous amendment, insert the following as a separate paragraph:

"The agreement shall also provide that the owner shall accept all the terms and conditions of this act and any regulation or order made by or through the President under authority of this act or of that portion of the act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes,' approved August 29, 1916, which authorizes the President in time of war to take possession, assume control, and utilize systems of transportation; and that in case of failure to observe such terms and conditions or such regulations or orders, any further payments under the agreement may be suspended or forfeited."

Page 2, line 21, before the period, insert a comma and the following: "but debits and credits arising from the operation of such street electric passenger railways, including railways commonly called interurbans, as are at the time of the agreement not under Federal control shall be excluded."

Page 2, line 24, to page 3, line 1, strike out "from the reports, books, and other pertinent data of such carrier."

Page 3, line 5, to page 4, line 2, strike out the whole paragraph and insert:

"Every such agreement shall provide that all taxes assessed for the period of Federal control (which but for such Federal control would under the Interstate Commerce Commission classification of accounts in force on December 27, 1917, be deducted from 'net income from railway operations' in determining 'railway operating income') shall, except as hereinafter provided, be paid from operating revenue or, if that is insufficient for the purpose, then from the revolving fund created by this act; that if Federal control begins or ends during the tax year for which any taxes may be assessed, the taxes for such year shall be apportioned to the date of the beginning or ending of such Federal control, and the foregoing provisions shall apply only to that portion of such taxes which is due for the part of such tax year which falls within the period of Federal control; and that the owner shall pay from his own funds all other taxes, including the taxes under Titles I and II of the act entitled 'An act to provide revenue to defray war expenses, and for other purposes,' approved October 3, 1917, or any act in addition thereto or in amendment thereof."

Page 4, after line 23, insert a new paragraph to read as follows:

"Every such agreement shall also provide that each owner shall receive during the period of Federal control an annual sum equivalent to a fair percentage upon the cost of additions and betterments, less retirements and road extensions, made on or in connection with such railroad or system during the period of Federal control by the owner, with the approval or by the order of the President, plus a fair percentage upon the amount expended by the owner, during the period of Federal control for taxes chargeable under the Interstate Commerce Commission classification of accounts in force on December 27, 1917, to investment in road and equipment and for assessments for public improvements. Such fair percentage in the case of expenditures made out of borrowed money shall be equal to the rate at which such money is borrowed, and in other cases shall be fixed by the President at the time the expenditure is made. The cost of such additions, betterments, and road extensions, the amount of such retirements, and the amounts expended for such taxes and assessments shall be ascertained by the Interstate Commerce Commission and certified by it to the President. The amounts so certified shall, for the purpose of the agreement, be conclusive."

Page 4, after line 23 (and after the paragraph already inserted), insert a new paragraph to read as follows:

"Every such agreement shall also provide that the United States will pay to the owner any loss accruing to such owner by reason of any additions, betterments, or road extensions made during the period of Federal control by the President, or made during such period at the order of or with the approval of the President by such owner or by the person, corporation, partnership or association entitled to the possession, use, and control of the railroad or system of transportation at the time such additions, betterments, or road extensions are made. The amount of such loss shall be ascertained by the Interstate Commerce Commission and certified by it to the President. The amount so certified shall, for the purpose of the agreement, be conclusive."

Page 6, line 1, after the period insert:

"The estimated annual amount of just compensation, in the case of an owner with whom the President is authorized to agree under section 1, shall not exceed the annual amount which he is authorized under that section to agree that the owner shall receive."

Page 6, line 1, strike out all after the period through the word "and" in line 3.

Page 6, line 3, strike out all beginning with the comma, through line 5, and insert a period and the following:

"The acceptance of any benefits under this section shall constitute an acceptance by the owner of all the provisions of this act and shall obligate the owner to pay to the United States, with interest at the rate of 6 per cent per annum from a date or dates fixed in proceedings under section 3, the amount by which the sums received under this section exceed the sum found due in such proceedings."

Page 6, line 18, after the period insert the following:

"In case of disobedience to a subpoena, the board may invoke the aid of any district court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, corporation, partnership, or association, issue an order requiring appearance before the board, or the production of documentary evidence if so ordered, or the giving of evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof."

Page 7, line 9, strike out the word "final" and at the end of line 12 insert the following:

"The Court of Claims shall have jurisdiction to render its award in such form as it may deem proper and to provide for the reopening of its award, and for the award of such further compensation as may be found due because of conditions arising after the making of the original award."

Page 9, lines 6-12, strike out the entire paragraph and insert the following:

"If, in proceedings under section 3, neither the award of the Court of Claims nor the agreement makes provision therefor, the President may nevertheless pay, if he deems it just, out of the revolving fund (to the owner of any railroad or system of transportation or to any person, corporation, partnership, or association, who at the termination of Federal control of such railroad or system is or will become by reason of rights existing at such time entitled to the possession, use, and control thereof) any loss accruing by reason of any additions, betterments, or road extensions on or in connection with such railroad or system of transportation made during the period of Federal control by the President or made during such period by the owner at the order or with the approval of the President."

Page 9, line 21, strike out all of the line and through the period on line 9 of page 10 and insert the following:

"Sec. —. That an owner may, during the period of Federal control, issue only such bonds, notes, equipment trust certificates, stock, and other forms of securities, secured or unsecured by mortgage, as the President may approve as consistent with the public interest. The President may, out of the revolving fund, purchase for the United States all or any part of such securities at prices not exceeding par, and thereafter any securities so purchased shall be held by the Secretary of the Treasury, who shall, under the direction of the President, represent the United States in all matters in connection therewith in the same manner as a private security holder. Any income from such

securities shall be covered into the Treasury as miscellaneous receipts. The President may direct that such securities, or any portion thereof, be sold whenever in his judgment it is desirable, at prices not less than the cost thereof, and the proceeds of such sale shall be covered into the Treasury as miscellaneous receipts."

Page 10, after line 25, insert a new paragraph, to read as follows: "No person employed in connection with the operation of railroads or systems of transportation under Federal control (except those persons referred to in the preceding paragraph of this section) shall be deemed to be an officer or employee under the United States for the purpose of Title II of the act entitled 'An act to provide revenue to defray war expenses, and for other purposes,' approved October 3, 1917, commonly called 'war excess-profits tax,' nor shall he be deemed to be a civil employee of the United States within the meaning of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916."

Page 11, line 1, strike out the words "nothing in this act shall be construed to" and insert "the President in the exercise of the authority given to him by this act or by the act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes,' approved August 29, 1916, shall not."

Page 11, section 10, strike out the first sentence.
Page 12, line 2, strike out the words "or with any order of the President."

Page 12, line 11, at the end of the line insert the following: "The President shall by regulation provide for the payment, out of the operating revenue derived from Federal control, or if that is insufficient, out of the revolving fund, of any judgments or awards and for the enforcement of any decrees or orders that may be rendered against such owners in any suit of such a character that but for Federal control (a) could be brought against the owner of any railroad or system of transportation, and (b) any amount paid in compromise thereof or in satisfaction of a judgment or decree therein that could be charged to operating expenses or to railway tax accruals under the Interstate Commerce Commission classification of accounts in force on December 27, 1917. The President shall also provide for the payment, out of operating revenues or out of the revolving fund, of any loss accruing to any owner by reason of any process levied against any property of such owner in connection with any suit of the character above described."

Page 15, strike out all of lines 6 and 7 and insert the following: "the termination of Federal control of the railroads or systems of transportation affected by such judgment or decree."

Page 16, after line 4, insert a new section to read as follows: "Sec. —. That if any provision of this act or the application of such provision to certain circumstances is held unconstitutional the remainder of the act and the application of such provision to circumstances other than those as to which it has been held unconstitutional shall not be affected thereby."

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SIMS. Mr. Chairman, I yield 40 minutes to the gentleman from Texas [Mr. RAYBURN], a member of the committee.

The CHAIRMAN. The gentleman from Texas is recognized for 40 minutes.

Mr. RAYBURN. Mr. Chairman and gentlemen of the committee, when this discussion started I did not intend to take any time under the general debate, preferring to use what time I did use under the five-minute rule. But on account of some statements that have been made and some arguments that have been made, especially about two controverted points in this bill, I thought I would probably want more than five minutes in which to discuss them, and I did not want to ask for an extension of time under the five-minute rule.

I am one of those, Mr. Chairman, who believe that in this time of war, when we have pledged the President of the United States every resource of the Government toward the prosecution of this war, we should grant to the President every necessary power in legislation that he asks.

I have so voted, and according to my conception of that theory I shall vote upon this bill and upon every amendment proposed to this bill. And I want to say here and now, with as much emphasis as I can command, that if this war is not carried on successfully, if there are any mistakes made, it will not be the fault of the Congress of the United States, for the simple reason that every necessary power that this administration has asked for, every necessary dollar and more that this administration has asked for since the declaration of war has been generously and with alacrity provided for. [Applause.]

I therefore am in favor, as my colleagues are in favor, of granting in this bill the necessary legislation, after we have given the President the right to take the railroads. After he has taken the railroads that question admits of no debate. The question of whether or not the President should have taken the railroads under the law passed authorizing him to take them is not a question here now. The President or the Government of the United States under our action has taken over the railroads of this country. Under this bill and under our action here it is our purpose and it is our duty to give the legislation that is necessary in order that he may carry out successfully the operation of these railroads during these war times.

And another thing that I want to emphasize in the beginning of the few remarks I shall make is that I do not want this House to forget during the consideration of this bill, either under general debate or under the five-minute rule, that this

is a war measure, and that its operation should terminate as soon after the close of the war as is possible. [Applause.]

I shall vote for this bill, and I have tried to perfect it upon that theory, and upon that theory only. It is not candid for men to get up before this House and say that since we have taken over the railroads under only one power, and that is the war power, we should hold them after the war to try one nostrum after another. [Applause.] I therefore shall vote for a limitation of time.

There are three important provisions of this bill, I think. One is the question of compensation, another is the question of the power to make rates and who shall exercise that power, and the other is the time after the war at which we should turn these railroads back to their owners.

I believe, Mr. Chairman, that the compensation provided in this bill is as nearly just as we could make it. I do not believe that we are more than just to the railroads of this country at this time. I believe that the compensation provided in this bill, taking the average of the three years' earnings of the railroads, is just, as nearly as we can get it, both to the Government and to the railroads. I therefore shall support that section of this bill in its present form, unless I hear arguments more forceful against its passage than any that I have heard up to this time. We have taken the property of these people under a law passed by this Congress—not of their asking. We have taken these properties under that law, not because they asked that they be taken, but because the President of the United States believed that after all of the congestion that we had had, after all of the tying up of the roads of this country, it was absolutely the only thing that could be done. That was to take the railroads under the law that we had passed and to operate them.

For 30 years in the different States of this country and since 1887 the different State commissions and the Interstate Commerce Commission have been built up. As I said in the outset, I believe that every necessary power should be granted to the President to manage this situation. I do not believe that the power for the President to initiate rates and that the rate he initiates shall be final is a power necessary to the successful operating of the railroads by the President during this war time. It may be that the President should have the power and the right in special cases, for the movement of troops and supplies for the Army and the Navy, to make rates and to make them final for those specific cases, and I am willing to grant him that power. The amendment that I offered to this bill in the committee, which was lost on a vote of 9 to 9, a tie vote, provided that the President of the United States in special cases might finally fix the rates as to the transportation of anything that affected the movement of the Army and Navy and the supplies for the Army and Navy; but it said that as for other rates and for general rates the same powers that had controlled them in the past should control them during this war time. Men said that that amendment was a reflection upon the President of the United States; that he, representing the people, would have uppermost in his mind the best interests of all the people of the land. Nobody subscribes more fully to that doctrine than I do. Nobody has greater faith in the Director General of Railroads and in his great ability than I have. But I know that neither the Director General nor the President of the United States will have time to try this case as it should be tried before rates are to be initiated and put into effect. They will both be compelled to consult somebody, some man or set of men who are or should be experts on these matters. Who, then, would say that the Interstate Commerce Commission is not the proper body whose advice should be sought? We should give the President power to initiate rates; and who argues that when the President initiated a rate and suggested to the commission that he believed a certain rate was fair, reasonable, and just that that argument would not be very persuasive with the commission and would be adopted unless it could be proven that it was most unjust and injurious?

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. BORLAND. The gentleman, as I understand it, endeavored to get a provision into the bill giving the President the power to fix rates only as to supplies and leave the rates for all other commodities to be fixed as at present. Is that the idea?

Mr. RAYBURN. No.

Mr. BORLAND. What was the statement that the gentleman made?

Mr. RAYBURN. I said that the President's order would be final in a case like that, that he would not have to go to the Interstate Commerce Commission; but as a general proposition I want the President, having the railroads now and being in the position that the railroads have formerly been, to occupy the

same position with reference to rates that the railroads have formerly occupied with reference to rates, and leave the final passage upon the reasonableness and justice of the rates to the Interstate Commerce Commission, where it has been in the past.

Mr. BORLAND. Then I correctly understood the gentleman.

Mr. RAYBURN. I agree that the President should be allowed to initiate all rates, but I say that the Interstate Commerce Commission should have the veto power upon them the same as it has now, except as to rates for the Army and Navy and for supplies for them.

Mr. BORLAND. Then I correctly understood the gentleman that he made a distinction between rates affecting the movement of troops and supplies and general commodity rates?

Mr. RAYBURN. Yes.

Mr. BORLAND. Then where does the gentleman make that distinction, in view of the wide control that is now exercised over all industrial operations in this country? Would he include fuel? Would he include wheat? Would he include cotton? Where would he make his distinction as to what constituted supplies for the troops?

Mr. RAYBURN. I would not enumerate. I think it is pretty generally understood what supplies are necessary for the Army and the Navy. I think that is pretty generally understood among the people.

Mr. BORLAND. I have not been able to distinguish what was necessary as supplies for the Army and Navy. They embrace pretty nearly everything that this country produces.

Mr. RAYBURN. Oh, well, by the same course of reasoning you could broaden anything to cover everything upon the earth. That provision in this bill ought to be amended, or ought to be stricken out of the bill. This provision in the bill with reference to rates provides that the President can initiate the rates, that they go into effect, but if anybody within 30 days files a complaint the Interstate Commerce Commission can give a full hearing and make a report, but that that report will have no effect except to be persuasive, probably. I do not believe that two departments of this Government should be set in that position toward each other, or that when the President initiates a rate and puts it into effect the Interstate Commerce Commission should come along, without any power to set that rate aside, but simply to hear the case and to report a criticism upon the action of the President of the United States. If somebody besides the movers of this bill had proposed an amendment like that, the men who support this bill in its present form would have said, "You are reflecting upon the President of the United States, and you are giving a branch of the Government the power and the facility and the right to set up a criticism of the President of the United States."

Just one thing further. My friend from Missouri [Mr. DECKER], after complimenting the Interstate Commerce Commission in the fullest terms, when he was talking about this question of compensation, whether it was reasonable and just, said, "What are you going to say to the people about this compensation when you go back home? I am going to tell them that for 30 years we have built up the great Interstate Commerce Commission, in whom all the people have all faith and all confidence. They set these rates under which the railroad companies made these millions of dollars. I believe that they were just and reasonable." I am going to say, further, when I go back home to my people, that I have faith in this commission, that I have faith in its honesty and integrity when it set these rates, and I am going to say further to them that I voted to leave the power to set the rates in the future in the hands of the Interstate Commerce Commission. [Applause.]

Mr. MCKENZIE. Will the gentleman yield?

Mr. RAYBURN. I yield to the gentleman.

Mr. MCKENZIE. I do not like to take up the gentleman's time, but in the case he has stated of the President fixing the rates, the shipper takes an appeal to the Interstate Commerce Commission and the Interstate Commerce Commission finds it is unreasonably high, what recourse has the shipper under this bill?

Mr. RAYBURN. Not any. Perhaps he might go into the court at a great deal of expense, and if he won out it would cost him more than the difference in the rate. I do not say what I have said about the rate-making proposition in criticism of anybody, because my confidence and faith in the Director General and the President is as high as that of anyone.

Mr. HARDY. Will the gentleman yield for a question?

Mr. RAYBURN. I will.

Mr. HARDY. Does not the gentleman think that under the amendment he proposed in the committee, if it had been adopted, that it would have raised a great number of questions as to

whether the President had final authority in particular instances or not?

Mr. RAYBURN. That is the same question asked before by the gentleman from Missouri [Mr. BORLAND]. It would raise a question, but not as serious as it would to this system which has grown up through a great administration to be wiped out at one fell swoop.

Mr. HARDY. The gentleman does not quite get my question. Would you not have questions arising as to what were war commodities and supplies, and would you not have infinite controversy between those who contended that certain things were war supplies and others were not, and would you not have confusion worse confounded?

Mr. RAYBURN. I thought if I offered that amendment I might preserve a little of what I wanted to preserve so much, and that was the power of the Interstate Commerce Commission to fix these rates.

Mr. DEWALT. Will the gentleman yield?

Mr. RAYBURN. I will yield to the gentleman from Pennsylvania.

Mr. DEWALT. Has the gentleman in proposing his amendment taken into consideration the powers conferred upon the President by the act of 1916?

Mr. RAYBURN. As to taking over the railroads?

Mr. DEWALT. The wording of the act of 1916—and I say this to elucidate the gentleman's argument—is that he shall take over possession and control of any system of transportation not only for the purpose of transporting the troops, war material, and equipment, but for such other purposes connected with the emergency as may be needful and desirable.

In that connection, has the gentleman in considering his amendment taken into view what the word "control" means in law? The word "control" in law is a synonymous with management, and management is defined to mean direct control, governmental administration, or overseeing. Manage means direction, control, Government administration, and overseeing. Webster defines it as meaning to have under control and direction, to conduct, to guide, to administer, to handle. Now, the act of 1916 which stands upon the statute books gives the President the power to control, to take possession of the road. Control means to administer, and control is not confined to the transportation of troops, munitions of war, but to other things involved in the prosecution of the war. If control means to administer, I take it that under the act of 1916 he has the right to fix the rate.

Mr. RAYBURN. I do not care what the act of 1916 gives the President the power to do after he takes the railroads. We are passing another law now. I would not be willing to say that under that act if we did not pass any other legislation that the President would not have the power, but I am talking about the legislation that we have before us and the amendment which I wanted to get on this legislation to make certain language mean a certain thing.

Mr. DEWALT. The gentleman's amendment would be in effect repealing the act of 1916.

Mr. RAYBURN. I am not willing to admit that. I am not saying that he does or does not have the power under that act. I am not committing myself one way or the other, but I am saying that I would like to see in this bill as far as rates are concerned the provision in my amendment.

Mr. DEWALT. Will the gentleman yield further?

Mr. RAYBURN. Yes.

Mr. TOWNER. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. TOWNER. In connection with that, may it not be considered as worthy to be taken into account at least that when the Government took over and assumed control of the railroads it not only did so for war purposes but it necessarily had to control the railroads for other than war purposes, and that the rate-making power which existed before the taking over between the railroads and the people is now transferred to the Government and the people, and that it is proper for Congress to say on what terms that relationship shall exist and what the rates and fares shall be?

Mr. RAYBURN. That was my answer to the gentleman from Pennsylvania—that we are now passing a law to govern the operation of these railroads and fixing the compensation.

Mr. Chairman, I had hoped after the vote in the committee, which stood 15 to 6 for the time limit in this bill, that the advocates of the unlimited time would cease their efforts along that line. I could not vote in committee, neither could I vote in this House, for a provision that would read like the provision in the original draft of this bill, and that was that this control should last during the war and thereafter until Congress should

otherwise order. I do not believe that that provision in this bill would stand in the courts for a moment. I do not believe that under the war power we have any right whatever to take the railroads of this country for a longer period than the duration of this war and a reasonable time thereafter.

Mr. DECKER. Will the gentleman yield?

Mr. RAYBURN. I will.

Mr. DECKER. I would like to ask the gentleman two questions. In the first place, the President is authorized to make a contract for compensation, and, of course, in that contract for compensation the railroads will take into consideration the length and condition of the tenure. Does the gentleman mean to say that after the railroads have agreed with the President to the compensation under the terms and provisions of this bill, after they have taken the money from the Government, that they can come around afterwards and refuse to accept the conditions of the tenure?

Mr. RAYBURN. I say that an indefinite tenure in law is equivalent to ownership, and after the war is over if no time limit is set in this bill the railroads would have the right to come into court and say to the Government, "You must give me back my property or give me the value of it."

Mr. DECKER. After they have agreed to take so much for the property?

Mr. RAYBURN. I deny that the President has the authority to make a contract with the railroads for compensation for a longer time than the period of the war and a reasonable time thereafter. We must not forget that the President has taken these roads under the war power and none other, and that the control ceases or should cease when the war or the emergency is over.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. SHERLEY. If you give the President power—or, rather, try to do so—and it be ultra vires, the fact that he exercises the power which you have no right to confer upon him would not make it lawful.

Mr. DECKER. Who was acting ultra vires?

Mr. SHERLEY. Assuming the premises of the gentleman from Texas [Mr. RAYBURN], that Congress could not confer upon the President the right to hold these roads indefinitely, then the suggestion of the gentleman from Missouri is without value.

Mr. RAYBURN. I think that is quite true.

Mr. DECKER. I do not agree with the gentleman on that proposition. The only thing that he would not have the right to do, if his contention is correct, would be to compel the railroads to give it up; but as they agreed in the contract to let the Government use them under the tenure provided in the bill, I do not think, after taking the money, they could be heard to complain. But I will ask the gentleman another question. Is the gentleman one of those who believe that the Government has the right to take over the roads under the commerce clause?

Mr. RAYBURN. I do.

Mr. DECKER. Then if it has the right to take them over under the commerce clause, and we say in this bill, regardless of how they happen to have been taken over under the law of 1916 that they shall stay under the Government control until Congress shall act, would not that be bottomed on the commerce clause?

Mr. RAYBURN. It would not.

Mr. DECKER. Why not?

Mr. RAYBURN. Because the only power on this earth under which the President had the right to take these roads was under the war power expressly given.

Mr. DECKER. That is not the question I asked. The question I asked is this: Regardless of the power or under what power the President took them over, the part to which we are addressing ourselves is as to the power of the President to hold them after the war is over; and would not that right which we give him be bottomed on the commerce clause?

Mr. RAYBURN. It would not, because we have taken the railroads under the war power only—

Mr. PARKER of New Jersey. Pardon me, but is the gentleman arguing now in respect to interstate roads only—not as to roads entirely within a State?

Mr. DECKER. Yes; interstate roads.

Mr. RAYBURN. I am arguing as to roads over which Congress has the power to legislate.

Mr. SHERLEY. Laying aside the question of power, why should we, unless we favor Government ownership of railroads, provide for it, while authorizing the President to take care of a war emergency?

Mr. RAYBURN. That is what I was just coming to, and my colleague [Mr. HARDY] asked a question which suggested that. I believe he asked the gentleman from Missouri [Mr. DECKER] a question like that. Why should we set a time limit and foreclose the argument on the proposition of Government ownership?

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. STEVENSON. I have been bothered to know upon what basis the President would fix the length of the term of the control with the railroads, if there is no provision made in this bill as to the length of time that he is to be authorized to hold them. If it is to be indefinite, is he to make an indefinite contract with the railroads? That is what would bother me.

Mr. RAYBURN. That would have bothered me a great deal, but I have trusted from the beginning in the wisdom of Congress, and in its fairness and candor to say that this is a war measure, and that at a reasonable time after this war is over this property shall be turned back to its owners. My friend from Missouri [Mr. DECKER] a while ago talked about the fact that in 1914 we passed a bill for the control of the issue of securities of railroad companies, and called attention to the fact that that bill, even though it passed the House of Representatives in 1914, had never yet been enacted into law; and he used that as an argument that we should set an indefinite time in order that we may undertake all of this remedial legislation that is necessary before the railroads are turned back to their owners. If that argument be good, that this is a slow body, that Congress is a slow organization, then I think it would be very well to have a time limit set upon this control as a spur to Congress to know that by a certain time it must do a certain piece of work.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Mr. Chairman, I do not want to interrupt the gentleman, except to make an appeal to the membership of the House to let the gentleman from Texas [Mr. RAYBURN] proceed without interruption, if they are satisfied to do so, and I will give the reason.

Mr. RAYBURN. How much time have I remaining?

The CHAIRMAN. The gentleman has six minutes remaining.

Mr. SIMS. If the gentleman from Texas wants more time, I want him to have it.

Mr. RAYBURN. I certainly did not think my time lacked only six minutes of expiring.

Mr. SIMS. What I want to ask is whether the gentleman wants more time, inasmuch as so much of his time has been taken up? A situation arose this morning that none of us could prevent. When I rose last night and asked that the House meet at 11 o'clock this morning, it was with a view of having that time consumed in general debate. One hour of the time was taken up in the reading of the Farewell Address of Washington, which was entirely proper, but it got me into this trouble. I had promised a lot of gentlemen time who are not members of the committee, and the gentleman from Texas [Mr. RAYBURN] kindly consented to make his time as short as he could, but I think so distinguished a member of the committee should have opportunity to address the committee.

Mr. RAYBURN. If I am not interrupted, if the gentleman will yield me five additional minutes, I think I can finish.

Mr. SIMS. Then I yield now the five additional minutes.

Mr. RAYBURN. Did the gentleman from Illinois wish to ask me a question?

Mr. MASON. No; let it go. I knew the gentleman was a member of the committee—

Mr. RAYBURN. Does the gentleman want to ask me a question on the matter of tenure?

Mr. MASON. No; it was in respect to another branch, but I shall let it go and ask some other Member. It was in regard to the purchase of the canal, and I had not heard any member of the committee explain that.

Mr. RAYBURN. I am not willing, Mr. Chairman, in time of war in taking over the railroads of this country as a war measure, in the hysteria created by that war condition, to saddle on this Government a great economic policy. I believe when the discussion of Government ownership comes up in this country that it should come not in a time of war or stress and dissension, when men in the passion of the hour are carried off their feet, but I believe it should come in a time when it can be stripped of every other issue, and I also believe that it is nothing but fair to us who do not believe in Government ownership of railroads and other socialistic doctrines like that that when this argument comes that we who oppose it should not be made the proponents of a bill to throw off a system of Government ownership that we did not intend to take on when

we voted to give the President the power to use all the resources of this Government to try to win this war. When this proposition of Government ownership comes up I want the men who are the advocates of that doctrine to be the proponents of the bill and to come before this Congress and give the reason. There are many reasons why I would like to see this war close. There are many reasons why all of us would like to see this war close. One of the main reasons, outside of the reason that we want to stop the spilling of blood, is that I hope to see the time return when the necessity for such legislation as this, the voting away of these unheard-of powers, will cease. [Applause.]

I oppose Government ownership of railroads. I oppose an indefinite tenure. We do not know how long this war is going on. It may go on a year or two years or three years or five years. We do not know whether the great man who sits in the White House now will sit there when this war closes. We do not know whether the same Secretary of the Treasury and the Director of Railroads will be the Director of Railroads during all of this war, and I want to call your attention to the fact that I would fear to put the destiny of 1,700,000 railroad employees and \$18,000,000,000 worth of property in the hands of a man who may some time occupy one of those positions and who may be over ambitious. [Applause.] A man who is over ambitious, with the wages and the hours of labor of 1,700,000 employees in the hollow of his hand, a man who is over ambitious with the property of hundreds of thousands of people amounting, variously estimated, to from \$18,000,000,000 to \$20,000,000,000 in his hands, could not only put himself in office, but he could perpetuate himself in office if he desired. [Applause.] And I hope, therefore, that we will say now that we will be candid with ourselves and candid with the country and say that we are not going into the proposition of the control of railroads of this country for any other reason except to try to marshal all the resources of this mighty Republic and try to do the one thing, and that is to win this war, and to win it as speedily as possible. [Applause.]

Mr. ESCH. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. GORDON]. [Applause.]

Mr. GORDON. Mr. Chairman and gentlemen of the committee, I do not know that I can assist you gentlemen in determining these important questions that are involved in this bill. As far as my public duties will permit, I have been trying to get information upon this bill since it has been pending both on and off the floor, and I confess those efforts have been sadly disappointed. The gentleman who just took his seat said that the railroads were worth \$18,000,000,000. I do not know where he got his authority for that. I have been trying to get some idea from some source—

Mr. RAYBURN. I said variously estimated.

Mr. GORDON. Estimated by whom?

Mr. RAYBURN. Well, by various writers in this country.

Mr. GORDON. Yes; "the widows and orphans" talked about so much here on the floor, of course they estimate it at that. The fact is they are only capitalized at \$10,000,000,000, and the best authorities in the American Congress say that 50 per cent of that is water. I do not think that anybody will seriously question that Senator JOHNSON of California, who has been governor of his State for two terms, and Senator CUMMINS, of Iowa, who has been governor of his State for two terms, know something about the railroad question. Now, what is the layman to do in reference to this bill? Unless I can get some light on it I propose to vote against it myself and wash my hands of responsibility for it. We have listened here for three days to members of the committee almost exclusively. Have they given you any information as to the value of these properties for the use of which we propose to fix the compensation at nearly a thousand million dollars a year? Has a member of the committee given any information to this House upon this subject? I have not been here all the time during the entire debate, but I have listened to them or read them, and if there has been anything adduced here to throw any light upon this question it has entirely escaped me.

Now, a gentleman who has been a Member of this House a great many years and is considered an expert upon this question discussed it here a while ago, the gentleman from Wisconsin [Mr. LENROOT], and he observed in the course of his remarks that the New York, New Haven & Hartford Railroad and the Rock Island had been mismanaged, referring, I suppose, to the looting of those great properties, the stealing, and taking and the carrying away of all of their visible assets. [Laughter.] Now, what is the use, what assistance does that give to stand up here and pat those people on the wrist in discussing such transactions as that? So far as conferring the rate-making power on the President, of course I would not

vote for that. [Laughter and applause.] I think that is an impudent abandonment by Congress of all the legislation on this subject for 30 years. [Applause.] Now, this is not a partisan question, but it looks to me as though there had been a bipartisan agreement here for the withholding of any real information upon which any man could cast an intelligent vote. [Laughter and applause.]

Mr. MASON. Will the gentleman yield for a question?

Mr. GORDON. Yes.

Mr. MASON. The gentleman is not a member of the committee?

Mr. GORDON. Not of the Committee on Interstate and Foreign Commerce; no.

Mr. MASON. Perhaps, then, the gentleman can answer this question. [Laughter and applause.] This section 6 provides, as I read it, the authority to the President to purchase canals. Do you so construe it?

Mr. GORDON. I will ask the gentleman to excuse me from construing it. I have not time to undertake to construe the provisions of this section. I am calling the attention of the Members of the House to some of my difficulties in the hope that somebody may furnish some information to assist me in forming an intelligent judgment upon this bill.

I want to say this for the aid and assistance of Members here who may feel that they want some light on the principles of the railroad question, that on the 8th of January last I inserted in the CONGRESSIONAL RECORD for the second time a speech delivered by the late Jeremiah S. Black, of Pennsylvania, formerly Attorney General of the United States, upon the question of the legal relations of the public to the railroads, or the railroads to the public, which I commend to the consideration of every Member of the Congress and every other intelligent citizen who really desires to understand the question.

It is a great problem, of course. That speech led to the enactment of the interstate-commerce law 31 years ago. Since that time Congress has been attempting to confer power to regulate rates upon that commission. The progress has been exceedingly slow. There seems to be a mysterious influence that palsies men's minds and hands when they approach the consideration of this question. The attitude of many men seems to be to withhold such information as they really have upon the question.

Of course, the fixing of rates is a legislative function, and Congress, having other things to attend to, created this great tribunal, the Interstate Commerce Commission, and invested it with authority to hear and determine these questions. Now, just what has happened since this war started to disqualify the Interstate Commerce Commission and to qualify the President, with all his multitudinous duties as Commander in Chief of the Army and Navy, to perform this function, nobody has undertaken to explain. We are told by the chairman of the committee that we are at war, which is true, but what is there about that fact that equips the President to hear and determine so intricate and involved a question as that?

And then, to add to the irony of it, they insert right in the bill itself that we are asked to vote for a provision that binds the President in his determination of that question by exactly the law that binds the Interstate Commerce Commission in its consideration of it. Now, if the President is supposed to obey the law, although we are at war, how is he going to determine these questions without any investigation? Is there something about the President that enables him to determine such an involved and intricate question as that without information? Why was the Interstate Commerce Commission created and clothed with this authority? Of course, it is said and provided in the bill that if after the President has fixed this rate it should happen to injure some individual, community, or State, and they took an appeal to the Interstate Commerce Commission, the Interstate Commerce Commission could hear them, and then it could recommend to the President or could express the opinion to the President, that they thought he made a mistake about it. But the law carefully guards any interference by the commission in the way of correcting that mistake. I can not understand the reason for such legislation as that.

Pursuant to legislation by Congress, enacted before I became a Member of this body, the Interstate Commerce Commission is now engaged in making an appraisal of these railroad properties for the purpose of enabling it to determine their value and thus fix just and reasonable rates for the service which they render. Eleven million dollars have been expended on that work, and it is not yet completed. Heretofore, since war was declared, when we have authorized the appropriation of private property and were unable to determine the value of the property taken, or the use appropriated, we have authorized the payment to the owner of so much of the value of such property or use as could

be readily agreed upon, and deferred the payment or tender of the remainder claimed until competent and reliable evidence could be secured upon which to base an intelligent judgment of the real value of such property or its use.

What is there about railroad property which renders it more sacred than other kinds of private property? Do the owners of these railroads fear that when the appraisal of these properties has been completed it will be found that their total value is much less than the stocks and bonds outstanding, upon which interest and dividends have been paid and upon which this enormous rental is in large part based? Are we being hurried into fixing this enormous rental in order to forestall any use of the appraisal now being made by the Interstate Commerce Commission and to establish the fact that Congress has wasted this eleven millions of dollars and such other sums as may be spent in completing the appraisal?

What competent evidence has been adduced to support this enormous annual payment for the use of these properties?

Mr. MADDEN. Does the gentleman think the Interstate Commerce Commission would have the temerity to suggest that the President made a mistake?

The CHAIRMAN. The gentleman's time has expired.

Mr. SIMS. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, I intended to answer the argument of the gentleman from Michigan [Mr. FORDNEY], who is opposed to Government ownership, but it is impossible to do so successfully in 15 minutes or even to attempt it.

I am opposed to the limitation contained in this bill upon the time for holding the railroads after the conclusion of the war. There are men who will not be moved by an earthquake. There are men who will continue to cling to the past in the midst of a world revolution, in the midst of war, in the midst of the greatest catastrophe that ever befell mankind. They are stand-patters all the time, no matter what happens. They fail to realize that the entire world is undergoing the greatest change in the history of the race.

When you repudiate the idea that public utilities are ultimately to be owned and controlled and managed by the people in their collective capacity you deny the very essence of democracy.

What does private ownership of railroads mean? It means that an aggregation of capital, controlling one-seventh of the wealth of the country in a democracy, can give employment or refuse employment, can give life or refuse to the people the right to live. It means that within the limits of a country priding itself on its democratic ideals organized wealth establishes an empire of its own, a dominion of its own. And as you study the history of railroad legislation in the United States you will find that no power has exercised a more corrupting and more polluting influence than the railroads of the United States. Even such a sympathetic writer concerning America as Bryce was compelled to say, in his "American Commonwealth," that the most corrupt factor in American political life was the railroad interests. You speak of control. If you carry control to its logical conclusion, is it not a negation of private ownership? What does ownership amount to if you deny the control of the thing to the owner of it? Then it becomes a question of the measure of control, of the degree of control, of the extent of control, and instead of saying to the people that we repudiate the theory or the very possibility of national ownership of railroads to-day, you may, perhaps, say that the people are not ready to-day for national ownership; that they should be prepared for it; that a body of thought should grow up which would make it possible that the great masses of railroad workers now employed by the transportation companies should cooperate with the rest of the community; that democracy should train itself to become the owner of its public utilities and its public necessities. But to say that you are opposed to public ownership of railroads means to deny the essential principle of democracy, which means self-rule, self-rule industrially, self-rule in economic relations. What good is it if a man has the right to vote if there are within his own country powers which determine how much of his wages shall be taken away from him for bread, how much for meat, how much for sugar, how much for transportation, so that at the end of a day's work or at the end of a year's work he finds the result of his labor taken away from him by some power outside of himself?

The value of political democracy lies in the opportunity it offers to the people to evolve into an industrial democracy.

Otherwise democracy would be a mere myth. Is not self-rule the very essence of democracy? Henry Ward Beecher, in defining slavery, said: "Slavery is a state of affairs where the individual's life is controlled by powers outside of himself." When one-third of one's earnings goes to the landlord, when one-twentieth is taken by the Sugar Trust, when one-eighteenth is

taken by the Bread Trust, when the railroad and the telegraph and the telephone companies take away the rest of the product of one's service, how much of freedom is left to the individual?

Private ownership of the means of transportation, of the arteries of commerce, means the establishment of a dominion within a dominion, of a nation superior to the nation, of a minority ruling and controlling the people and the functions of their agents. That is why railroads have been a corrupting influence.

When the agitation for public ownership began the railroads began to manufacture statistics. Now, it is an old story, the old joke, that "there are liars, and liars with a strong adjective preceding it, and experts," and when experts begin to pile up statistics one loses all faith in economic science. [Laughter.]

You hear frequently that public ownership of railroads is a failure in every country of the world, and the gentleman from Michigan [Mr. FORDNEY] went to the extent of saying that in the two democratic countries of England and the United States the very idea of public ownership is repudiated. For the purposes of his argument he denies that France is a democracy. Of course, France owns her railroads, so France was not democratic for the purposes of that argument.

It is impossible to compare the rates charged in the United States with the rates charged by the railroads of other countries, for the very simple reason that railroads in other countries include within the term "rate" the charge for storage, the charge for insurance, and a number of items that are not included in the word "rate" in the United States. When it comes to the question of wages in other countries—

Mr. MONTAGUE. Mr. Chairman, will the gentleman permit me to ask him a question?

Mr. LONDON. Yes.

Mr. MONTAGUE. You said that France owned her railroads. Are you certain of that fact?

Mr. LONDON. France owns the greater part of her railroads.

Mr. MONTAGUE. The statistics that were submitted to the committee, of which I am a member, showed that France owns only 20 per cent of the railroads in her territory.

Mr. LONDON. Well, France owns 20 per cent of her railroads, and Italy owns all of her railroads. This fact is true, that there has been no immigration of railroad workers from any European country to this country. That is absolutely true. Evidently the railroad worker finds that whatever wage he gets there, no matter how small it appears in dollars and cents, is satisfactory, the real value of the wage being the ability to exchange it for useful articles. Measured by that standard, by the ability to supply himself with the needs of life, it seems that the workers on railroads in the European countries are not forced to leave their countries. They have the assurance of steadiness and security of employment, which makes them prefer the work that they have.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. LONDON. I am sorry I have so little time.

Mr. DENISON. Just a question.

Mr. LONDON. Unless I can get my time extended I can not yield.

Mr. DENISON. It is just one question.

Mr. LONDON. Well, what was the question?

Mr. DENISON. I was going to ask where our Irish railroad employees come in, in the light of the gentleman's statement?

Mr. LONDON. Oh, the people of a country such as Ireland are governed by considerations other than economic considerations. The gentleman ought to know enough of the history of Ireland to understand that. There are more reasons than economic reasons for that.

In addition to that, the railroad worker in Germany and in Italy and in Belgium receives unemployment insurance, old-age pensions, security against accidents, the benefit of every safety appliance to protect him, and that is a part of the wage. I want to call your attention to the statistics relating to accidents resulting in the death of passengers and railroad men, and you will find that four times as many railroad workers are killed on American railroads as are killed on the railroads of any other country in the world; four times as many. The railroad companies with their hired statisticians attempted to compare the number of railroad accidents by the amount of freight carried, and they figured out that, according to the amount of freight carried, the percentage was not so disadvantageous to the United States.

Mr. CARTER of Oklahoma. Mr. Chairman, will the gentleman yield for a question? I want to ask a question for information?

Mr. LONDON. Yes.

Mr. CARTER of Oklahoma. The gentleman states that four times as many railroad workers are killed on American railroads as on the railroads of any other country. Does the gentleman take into consideration with that the number of railroads the United States has?

Mr. LONDON. I do, judging by the number of men employed. Mr. CARTER of Oklahoma. You mean by the percentage?

Mr. LONDON. I am not speaking of the relative proportion of mileage, but the absolute proportion of employees. Judging by the number of men employed by the American railroads as compared with the number of men employed on European railroads, the ratio is four to one. In other words, for every one employee or railroad worker killed in Europe four railroad employees are killed in the United States.

Mr. CARTER of Oklahoma. The percentage is four times as great?

Mr. LONDON. Yes; the percentage is four times as great.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. COOPER of Ohio. Can the gentleman give us any information in regard to government-owned roads in Italy? A few days ago I read an article in a paper stating that—

Mr. LONDON. Oh, well, I have no time for the gentleman to tell about an article he read four days ago. I want direct information, not information from a casual article read four days ago. [Laughter.]

Mr. COOPER of Ohio. I read a statement in a paper to the effect that the Government of Italy had fallen down in the management of its Government-owned railroads and had to issue bonds to get money to operate them.

Mr. LONDON. I do not know what paper that was from, or who the man responsible for the fiction in that paper was. [Laughter.]

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. LENROOT. I want to know what the gentleman means when he says that to every 100 employed in Europe and in the United States four times as many are killed in the United States than in Europe?

Mr. LONDON. That is exactly what I mean. The figures I have are for the year 1910 or the year 1908.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. MADDEN. Does the gentleman mean four times as many as compared with the number employed?

Mr. LONDON. Four times as many.

Now, when you consider the fact that the railroad companies opposed every measure calculated to improve the condition of the workers, that they opposed the enactment of the employers' liability legislation, that they opposed the most elementary provisions for safety appliances, you must realize what a tremendous danger is involved in private ownership of the public utilities, of the public arteries, of the arteries of commerce.

What is the difference between our past civilization and the present? What has made the United States possible? It is the facility of intercommunication between one section and another. Why, the arteries of commerce, the railroads, and the means of transportation are the most vital part of the organism of the country; and to permit these public utilities to be forever the private property of a group of capitalists is a destruction of the elementary basis of democracy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONDON. May I have two minutes?

Mr. SIMS. I yield to the gentleman two minutes, and hope he will not be interrupted, because I have not got the time.

Mr. LONDON. Just see this diagram which I have here of interlocking directorates. Here is a chart of the interlocking directorates held by the Chesapeake & Ohio directors in financial, transportation, and industrial companies. I will give only a partial list. In financial companies they have directorates in the American Security & Trust Co., of Washington; the American Trust & Savings Co., of Chicago; the Equitable Trust, of New York; the Farmers' Loan & Trust, of New York; the Fourth National Bank of New York; the Mercantile Safe Deposit, of New York; the Mercantile Trust & Savings, of Chicago; the Merchants' National, of Richmond, Va.; the National Bank of Commerce of New York; the National City Bank, of New York; the National Surety of New York; the Old Dominion Trust, of Richmond, Va.; the Realty Trust, of Atlanta, Ga.; the Riggs National, of Washington; the Standard Safe Deposit, of New York; the Union Trust, of Chicago; the Union Trust, of New York; and the Title Guarantee & Trust, of New York.

Then comes the list of industrial companies: Consolidated Gas of New York—there is plenty of gas in our railroad stocks—then there is the Covina Land & Water Co., the Hammond Lumber Co., the Huntington Beach Co., the Los Angeles Land Co., the Maringo Water Co., the Mercantile Burglar Alarm, the Newport Beach Co., the Newport News Shipbuilding & Dry Dock Co., the New York Transportation Co., the Northern Westchester Lighting Co., the Old Dominion Land Co., and many others. It is a veritable octopus, a complete spider web, with the people as the flies. And this picture is not complete. It gives a diagram in connection with financial and industrial institutions. In order that it should be complete, they would have to give you the ownership of the big newspapers of the country and to what extent these interests dictate the editorials of the newspapers. And they would have to give you one more item—how many men who were formerly directors of these corporations are now adorning the bench. I do not mean that these companies send agents to the bench, but there are men there who have the psychology of the corporation lawyer.

And then, in order to make it altogether complete, it would be necessary to show how many prominent attorneys for railroad companies vote on matters of legislation in the legislatures of the country, on matters affecting the interests of the people and the interests of the railroad companies. And to be an attorney of a railroad company is the dream of every lawyer to-day. If I had the time I believe I could convince even you Republicans and Democrats that there is no salvation for a democracy except in national ownership of public utilities, and that it is our duty now to prepare for that inevitable event.

Mr. GORDON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DIES. Mr. Chairman, the Bolsheviki argument to which we have just listened is so interesting that I make the point of no quorum, in order to have a greater attendance.

The CHAIRMAN. The gentleman makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-eight Members present, not a quorum.

Mr. GARNER. Mr. Chairman, I move that the committee do now rise. We can vote that motion down and get tellers on the motion and get a hundred here.

Mr. DIES. Mr. Chairman, the gentleman's side-bar remarks are out of order.

The CHAIRMAN. The gentleman from Texas moves that the committee do now rise.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. GARNER. Tellers, Mr. Chairman.

Mr. DIES. I make the point of order that tellers are not in order until a division has been had.

The CHAIRMAN. The Chair understands the gentleman has a right to call for tellers without having called for a division.

Mr. DIES. I do not think so, Mr. Chairman.

The CHAIRMAN. There is no doubt about it. The gentleman from Texas [Mr. GARNER] asks for tellers.

Tellers were ordered; and the Chairman appointed Mr. DIES and Mr. GARNER.

Mr. DIES. Mr. Chairman, what is the pending question?

The CHAIRMAN. Whether the committee shall rise or not. The tellers will take their places.

The committee divided; and the tellers reported—ayes 5, noes 85.

The CHAIRMAN. The committee determines not to rise. The Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Anthony	Crago	Fairchild, B. L.	Heintz
Bacharach	Curry, Cal.	Fairchild, G. W.	Hollingsworth
Baer	Dale, N. Y.	Fairfield	Hood
Beakes	Dale, Vt.	Ferris	Houston
Blackmon	Dallinger	Flood	Howard
Blanton	Davidson	Flynn	Hull, Iowa
Britten	Dent	Fuller, Mass.	Husted
Brodbeck	Denton	Garland	James
Browning	Dill	Goodall	Johnson, S. Dak.
Buchanan	Doolling	Gould	Johnson, Wash.
Campbell, Kans.	Drane	Graham, Pa.	Jones, Tex.
Candler, Miss.	Drukker	Gray, N. J.	Kahn
Capstick	Dupré	Greene, Vt.	Kearns
Carew	Dyer	Gregg	Kelley, Mich.
Carter, Mass.	Eagle	Griest	Kelly, Pa.
Chandler, Okla.	Edmonds	Hamill	Kennedy, R. I.
Church	Elston	Hamlin	Kettner
Copley	Emerson	Haskell	Kieess, Pa.
Costello	Estopinal	Heflin	Knutson

Kraus	Nicholls, S. C.	Rose	Tague
Kreider	Oliver, Ala.	Rowland	Talbot
LaGuardia	O'Shaunessy	Rucker	Templeton
Lazaro	Patge	Scott, Iowa	Timberlake
Lithicum	Peters	Scott, Mich.	Tinkham
Longworth	Pheasant	Scott, Pa.	Van Dyke
Lundeen	Polk	Scully	Vare
Lunn	Porter	Sells	Walker
McCormick	Pou	Shallenberger	Walton
McCulloch	Powers	Sherley	Watson, Pa.
McFadden	Price	Shouse	White, Me.
McLaughlin, Pa.	Purnell	Siegel	White, Ohio
Magee	Ragsdale	Smith, T. F.	Williams
Maher	Rainey	Stafford	Wilson, Ill.
Mann	Rankin	Stedman	Wilson, La.
Meeker	Reavis	Stephens, Nebr.	Wilson, Tex.
Miller, Minn.	Robbins	Sterling, Pa.	Woodyard
Miller, Wash.	Roberts	Sullivan	Young, Tex.
Mondell	Rodenberg	Sumners	Zihlman

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill H. R. 9685, finding itself without a quorum, the Chair had caused the roll to be called, when 276 Members answered to their names, and he reported a list of the absentees.

The committee resumed its sitting.

Mr. ESCH. Mr. Chairman, I yield 10 minutes to the gentleman from New Hampshire [Mr. WASON].

Mr. WASON. Mr. Chairman, I ask the indulgence of this committee for a few minutes on a subject that is of interest to myself, to my colleague from New Hampshire, and I know it is of interest to nearly every man on the floor of this House. It is likewise of interest to every citizen of this broad land. I do not wish to be understood in what I shall say as particularly finding fault or criticizing. I wish to be understood as approaching this subject in a spirit of improving the general conditions that affect the young men of the Nation who are our patriotic defenders now in cantonments, preparing for over-seas service. With that in mind and with the purpose to help rather than hinder, and improve rather than retard, camp conditions furnished, equipped, and controlled by the War Department.

Last July my attention was called to an order issued by the Secretary of War relating to the mobilization of the National Guard, so called, then a part of the Army, wherein those volunteers were to be transferred from New Hampshire and the other New England States to some point in the South for encampment and training, and the following letter expresses the views of the members of Congress from New Hampshire, to which the following reply was made:

WASHINGTON, D. C., July 13, 1917.

HON. NEWTON D. BAKER,
Secretary of War, Washington, D. C.

RESPECTED SIR: We, the undersigned, Members of Congress from New Hampshire, have just learned of the proposed action of the War Department to transfer, as soon as mobilized, the New England division of the National Guard to North Carolina or some other point farther south.

We respectfully submit for your consideration our belief that it will be for the best interests of the service if this division when mobilized is sent to a camp or camps in the New England States for the following reasons:

1. The climate of New England is more like the climate of northern France than is that of any section of the South.
2. It is more economical to the Government getting these troops to the front, viz. it will save the cost of transportation to the southern cantonment and probably more than such cost of transportation.
3. We believe that when the citizens of New England become aware of this proposed action of sending these troops South during the summer months there will be a vigorous protest against such action. We submit that public sentiment in a matter of that kind should be given serious consideration.
4. Whatever may be the conditions surrounding the places where these troops can be located in the South, we submit that for the summer and fall months, being acclimated to the New England climate, the health of the organization will be better if these troops are not transported to a new section and a very different climate.
5. This statement is based upon the supposition that the National Guard is to be sent to the front within a reasonable time, but if it is the purpose of the department to take such action later in the year or early next year, and for that reason it is considered desirable that these troops be transported to a warmer climate previous to their transfer to the front, we maintain that this action can be taken as well and better late in the fall than at this time.

We do not intend by this letter to attempt to in any way interfere with any military action which will further the prosecution of the war, but we believe that the considerations submitted are of sufficient importance to demand the very careful attention of the Department of War.

Respectfully submitted,

(Signed)

EDWARD H. WASON.
SHERMAN E. BURROUGHS.

WAR DEPARTMENT,
Washington, July 16, 1917.

MY DEAR MR. WASON: I have your letter of July 13, signed jointly by you and Hon. SHERMAN E. BURROUGHS. This department, of course, realizes the strength of the desire of the State to have their National Guard mobilized at home and also the importance of the consideration

set forth in your letter. The subject was, however, carefully considered from every point of view, and the plan of the military situation dictated the course chosen. It is now too late to restudy the question of distribution of the guard during their course of preparation.

Cordially, yours,

(Signed)

NEWTON D. BAKER,
Secretary of War.

HON. EDWARD H. WASON,
House of Representatives.

The New Hampshire National Guard left in August, many being transferred to Camp Greene, Charlotte, N. C., where they have been in camp since the 1st of November. Saturday, February 16, my colleague, Mr. BURROUGHS, and I spent the day at Camp Greene with brave sons of our State and with other brave sons of the other States in this Union, where they are being prepared for an early transfer for service in the battle lines of Europe. On arriving at the camp grounds we were met at the end of the street car line by our friends, who furnished us with two pairs of good rubber boots, which we soon found were absolutely necessary for our protection and comfort, and wore them until we left camp that night. It was mud, mud, mud everywhere. We found the soldiers quartered on a tract of land consisting of 6,000 acres, on a beautiful elevation, pleasantly located, and a reasonable distance from the city of Charlotte, N. C. The camp was adequately provided with electric lights, supplied with good water from an extension of the water system used by the citizens of Charlotte. Two lines of street cars extend from the city to the camp, one adjacent on the south side of the camp, the other on the north side. The land is reasonably level, good elevation. On the east is plenty of shade and adjacent to the woods is a small, pretty lake. The soil is a reddish clay. The men expressed satisfaction in regard to their food, and inspection of kitchens and supplies confirmed their statement. Having heard some criticism of the sanitary conditions at the camp, we paid close attention to that, for the purpose of discovering what the real facts were.

I had naturally supposed that the War Department, after the selection of this site had been made, would provide means for properly equipping the camp, as it should do in every case, having particularly in mind the health and comfort of those who are sent there for training. I had expected to find suitable highways that were passable for trucking, suitable streets for the companies, suitable barracks, adequate and suitable system of sewage and drainage, suitable provision for heat, and quarters for bathing purposes. We were informed that the wet, muddy condition about the camp was less than it had been two weeks previously. I saw automobiles helpless in the mud in some of the main roadways; I saw teams of four mules on these same roadways, with a light load, where the wheels left ruts from 12 to 18 inches deep. The Government has done nothing toward road making and done nothing toward fixing company streets. Not a rod of sewage system has been installed by the Government or anybody else. Water stands on the surface of the ground where the ground is level, and where it is rolling runs into pools or, in some instances, down to a very small brook which extends through a part of the grounds. Discarded latrines exist in large numbers, unprotected, filled to the surface of the ground, with filth waiting for the hot rays of sun to fester and produce germs of malignant and dangerous diseases. These latrines are in close proximity to the tents occupied by the soldiers. Very soon, when the climate becomes warmer, this camp must be very insanitary.

Our Government has no moral right to expose our soldiers to such dangers. The soldiers' barracks are all tents and should not house over five men. There were seven, eight, and nine men in a tent, and these tents had been without board floors prior to about the 10th of February, or a week or 10 days prior to our visit.

Mr. FORDNEY. In the tents?

Mr. WASON. Yes; there were no floors in the tents. One company of 250 men had been furnished with 18 rifles, another company with 256 men had 21 rifles, making a total of 39 rifles for two companies of 506 men. Not one of those rifles fit for a man to discharge with accuracy.

Mr. LITTLE. When was that?

Mr. WASON. Last Saturday, February 16. My colleague will furnish additional details of conditions at this camp.

Mr. Chairman, it is almost unbelievable for me to realize that the War Department would transport men past camps well equipped to a camp like Camp Greene without equipment. The War Department should never mass thirty or forty thousand soldiers in a cantonment or camp without a suitable sewage system and suitably constructed roadways for truckage to and from the camp. One of the first things the War Department should provide for is healthful conditions. Observing the conditions there, I am frank to say that I can not excuse and feel

that the man or men who have neglected this site since it was selected last summer are blameless of culpable neglect and wanton disregard in failing to install a suitable system of sewage at this camp before its occupancy by our young men transferred there for training from all parts of the country.

The War Department should immediately construct a suitable system of sewerage and drainage, and I am glad to say that the Surgeon General within a few days has inspected this camp and made the following observations and recommendations, and it is reported that immediate action is being taken on the points raised in his report:

FEBRUARY 12, 1918.

Memorandum for the Secretary of War:

The wet weather and character of the soil at Camp Greene, Charlotte, N. C., together with the temporary nature of the camp, have brought about conditions which I wish to call to your attention and which may be summarized as follows from the last two reports of sanitary inspections of the camp:

GARBAGE REMOVAL STOPPED BY MUD.

Knee-deep mud has interfered with garbage removal by contractors, and quantities have been dumped or buried because of shortage of fuel for burning it.

Limited facilities for heating water for bathing over a period of several months has resulted in the men becoming dirty.

Water from the kitchens, baths, and overflowed latrines is removed by ditches, surface drainage, or stands in pools. The character of the soil will make it slow to dry out, and with the advent of warm weather flies and other insanitary conditions may be anticipated.

The dirt floors of the kitchens will breed flies. The field ranges in use are uneconomical and smoke indoors with any wood fuel.

Shortage of supplies has held back the work on the detention camp for contacts until its overcrowded condition has led to the establishment of quarantine areas in the regiments, but reports upon this indicate that completion of the detention camp is preferable to continuation of the latter plan, especially since sufficient tent space and separate latrines and mess halls have not been available to make the regimental quarantine absolute in the areas set aside.

Work has been held up on the additional quarters for nurses by failure of material to arrive, and the same has affected progress on reconstruction of the operating and laboratory buildings of the base hospital, which were recently destroyed by fire.

Overcrowding, to the extent of eight men to a tent, and occasionally more, is reported.

SICK RATES NOT NOTABLY HIGH.

Sick rates at Camp Greene are not notably high, and measles and pneumonia cases appeared on the decline at the last report, but the insanitary conditions mentioned should be corrected without delay to prevent increased sickness and mortality, which may result from their continuance.

It has been recommended that additional tentage be supplied the commanding general, Camp Greene, to enable him to quarter all men on the basis of five to a tent instead of eight. It is understood that this recommendation has been approved.

The immediate necessity, Camp Greene, is the installation of a sewer system for the entire camp, which is again urgently recommended.

W. C. GORGAS,
Surgeon General United States Army.

Seven or eight months has passed since the selection of this site, and I am wondering what immediate action means. My inquiry is: When is it going to be done? My answer must be: It should be attended to now without delay. The War Department can not act too quickly in this matter. The country can not urge too strongly the department to attend to that drainage and sewerage forthwith. It should have been attended to before a single boy from any State had been sent there.

Mr. WEBB. Mr. Chairman, does the gentleman mean drainage or sewerage?

Mr. WASON. Both drainage and sewerage and suitable highways or roadways.

Under these conditions that I have briefly outlined I was impressed as I talked with the soldiers of the indisposition to find fault or complain. They were in good spirits, eager, and enthusiastic to actively engage in the great work before them; they were restive for actual, active service; their morale was excellent, and I wondered what influence had kept them so enthusiastic and happy under conditions there. It is an old saying that man is influenced by his surroundings, and from these men I learned that the most cordial relations and friendship existed between the camp and the citizens of Charlotte. The clubs, the Young Men's Christian Association, and kindred activities extended a cordial welcome to them. Entertainments on a large scale were often provided for these boys. Everything was done to make their camp life pleasant and cheerful. In fact it would almost seem that the home life of that city was influential in maintaining the spirit, the buoyancy, and the morale of each and every soldier there stationed.

As we left this camp and as I have reflected upon the conditions of my friends and constituents and the friends and constituents of other Members of Congress there it has caused me to have feelings of sadness and pain to realize that all the money so willingly provided for the establishment, equipment, and maintenance of these training camps in this land that somewhere in the machinery of the War Department some person or persons have failed to perform their official duty in reference to equipment at this location. I hope that this is

the only instance of neglect of this kind with reference to cantonments selected by the Government.

Mr. Chairman, as our Army, either at home or on foreign soil, with calm courage and patriotic impulses, discharges the great task that we are engaged in, as our beloved warriors their names are to be enrolled on the pages of history with reverence and honor for their sacrifices, sufferings, and efforts to extend those beloved principles of liberty and justice, let us hope and believe that they and the soldiers of England and France may be successful in the great and far-reaching task; let us stand loyally behind them and give them every encouragement and help that we can to fortify them stronger, if possible, as they fight for us and for those principles; let us remember what the story of the service flag in the window at home means which J. E. Evans, of Washington, D. C., has so fittingly expressed in rhyme:

THE SERVICE FLAG.

Say, Pa! What is a service flag?
I see them everywhere.
There's little stars sewed on them;
What are they doing there?
Sometimes there's lots of little stars,
And sometimes just a few.
Poor Widow Jones has only one—
I saw her crying, too.
My darling boy, those little stars,
Upon a field of white,
Are emblems of our glorious boys
Enrolling for the right.
The border, as you see, is red,
Which represents their blood;
The stars are blue, the heavenly hue;
The white is always good.
Each star you see means some brave boy
Has left his hearth and home
And gone to fight for Freedom's cause
Wherever he may roam.
So when you see a lot of stars
Lift up your heart with joy,
And when you see a single one
Pray for some mother's boy.
They go away, those gallant lads,
Across the wreck-strewn sea;
They go to pledge their country's faith
For God and liberty.
The Stars and Stripes they bear aloft
To join the British flag,
And, with the colors of brave France,
They mean to end "Der Tag."
And soon, my boy, that service flag,
Born in the Nation's heart,
Will show the world that, when unfurled,
We proudly take our part.

Mr. SIMS. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. WEBB].

Mr. WEBB. Mr. Chairman, I must beg the indulgence of the House while I say a few words about Camp Greene, which happens to be located in my district and in the midst of as brave, loyal, and hospitable people as can be found on earth. The camp consists of 3,000 acres of land, leased and paid for by the citizens of that county and given to the Government free of charge for five years. Sixty-five acres of that territory are covered by a hospital. Since this cantonment was located there two double-track electric street railways have been built to the camp, 2 miles distant from Charlotte. It is the only camp in the South that I know anything about where the street-car fare is only 5 cents, with universal transfers in the city. Water mains were laid to and throughout this camp at no expense to the Government of the United States, furnishing the finest filtered water. The Government did not pay a cent for carrying the water to the camp and into the camp, and the water is now furnished to the Government for the camp at 7 cents per 1,000 gallons. In my home town we pay 25 cents, I believe, as a basis for the first 1,000 gallons. The Government gets it for 7 cents.

An electric light and power plant was built at no expense to the Government, leading to and into the camp, and the electric light and power are being sold to the Government and the soldiers at 1½ cents per kilowatt hour. I believe the people in Washington pay 10 cents per kilowatt hour, and I think they pay more than that in all of the camps and cities and in Charlotte. I know that it is the cheapest rate that any cantonment has in the South, unless it is at Greenville, S. C., which, I believe, has the same rate. The authorities in Charlotte township have appropriated \$90,000 to build two magnificent concrete highways—not roads, but magnificent streets of concrete—from the city of Charlotte to the camp.

They have had from the beginning a macadam road to the camp which has never been impassable, which can not be said of a number of other roads leading to camps throughout the country. I am glad my friend from New Hampshire mentioned the cordial spirit that existed between the people of Charlotte and the soldiers. I do not think a community can be pointed out in

America where a finer feeling and spirit exists between the soldiers and the citizens. Last Christmas \$5,000 were raised by voluntary donation for a Christmas tree, so that every boy in the camp of 35,000 soldiers received a Christmas present from that donation and every child in Camp Greene received a present from the children of Charlotte and each present was marked, "From the children of Charlotte to the children of Camp Greene." Another thing, the best homes in that great city have been thrown open from the first day the soldiers arrived in that camp to the soldiers, and especially the privates. In fact, on Sundays and holidays it is estimated that 3,000 boys are taken into the best homes in that city and given the best food that those citizens can procure for them. [Applause.] And the same is true of every holiday—

Mr. SHERWOOD. What is the population?

Mr. WEBB. Forty-two thousand. Now, there was great congestion, of course, in the city of Charlotte, like there is now in the city of Washington, because the soldiers' families and friends were coming, and the good homes of Charlotte did that which they never before had done—that is, threw open their splendid homes to the officers and their families at absolutely reasonable rates. A number of well-equipped clubs have been established in the city for the officers and privates, and just now one of the prettiest pieces of property in the city of Charlotte has been donated and completed and equipped for a private soldiers' club. Whenever an officer or private wants a bath or resting place, he can find it to his heart's content in that hospitable town, and the boys use them just the same as the citizens of the town use them. All the churches and all the church receptions of that city are thrown open every Sunday and Sunday night and prayer meeting nights, and at all other times when the churches are open the boys can enter them and are invited to enter them ad libitum, without even a card.

I am pleased to tell you that the boys take advantage of it, and I do not know of a similar camp in this country where a larger proportion of the boys in camp attend the churches and religious exercises than they do there. For about three months a division of northwestern soldiers—as strong, healthy, and magnificent body of men as I ever saw march in parade—were located at Camp Greene, and the affection existing between the people and those soldiers was simply delightful to behold, and since they have left and gone to France the mails and newspapers have been filled with veritable love letters from the soldiers, and they wanted to name their splendid division the "Charlotte" division out of pure affection for the people on account of their kindly treatment of them. It can not be said that there is a camp in the United States with a finer health record than Camp Greene. The reports of Surg. Gen. Gorgas show that, and to-day or last Monday a week ago there were only 17 men in that camp who had the disease peculiar to camp life and which all good men are trying hard to fight.

I do not know of a place anywhere where the morals as well as the health of the soldiers are more carefully and painstakingly guarded than they are in Camp Greene. The fact is Secretary of War Baker some time ago made a speech in Washington to the Fossick Commission and pointed to the feeling and spirit existing between Charlotte and its boys as most ideal and commended it to other camps as one that they might well emulate. This camp, as you may or may not know, like many other camps, was established as a cantonment, as a resting place not necessarily to be made a permanent institution, and therefore the Government has not yet built these sewerage systems and concrete streets, and I believe the camps at Spartanburg and Greenville and other southern camps, Camp Gordon, possibly, where they have not put in concrete streets, would come under the same condemnation as my friend from Massachusetts has leveled against this camp, as to mud and lack of sewerage.

Mr. ROGERS. Will the gentleman yield?

Mr. WEBB. I will.

Mr. ROGERS. This is absolutely for information. I have heard it stated that when the location was still under consideration of a camp at Charlotte, N. C., the city agreed to build roads provided the camp was located there, and that the roads which the city had agreed to build had not, in fact, been built. Can the gentleman inform us upon that point?

Mr. WEBB. When the camp was located there, it was located on a fine macadam public highway between Charlotte and the city of Gastonia, and that road has been used up to this time. But now the local authorities are ready to build two great concrete roads between Charlotte and the camp, at a cost of \$90,000. I never before heard that the city had failed to carry out any agreement about roads, and do not think it so. The complaint about mud, gentlemen, can be leveled against any camp in the South. I do not know how it is in the North, but we have had

the most severe weather in our country that we have had in 37 years. And where you have only earth roads 10 or 15 feet wide through a camp, you can expect, with the heavy Army trucks running over them, that they will be cut up and become muddy at times of heavy rains or snows. If the Government will put in roads and streets and sidewalks of concrete inside the camp and put in a sewerage system, Camp Greene will be the banner camp of that entire section of the United States.

And I am happy to say that the War Department has informed me that they have now had drawn up by the engineers a system of sewerage in that great camp; they are already putting in sewerage in the hospital, which, as I have said, occupies 65 acres of ground. We all hope that sewerage and streets will be put in this camp soon. And when that is done I assure this House you will not only have the best camp in the United States, where the feeling between the citizens and the soldiers is as fine as anywhere in the world, but you will have as beautiful and healthful a camp as any on the face of the earth. [Applause.]

Mr. ESCH. Mr. Chairman, according to my reckoning I have an hour and 10 minutes remaining. I would like to use the hour from now on, and I yield to the gentleman from Kentucky [Mr. LANGLEY].

The CHAIRMAN. Of course the debate closes at 6 o'clock.

Mr. SIMS. I want to say that the gentleman is entitled to use all the rest of the time, whatever it is.

Mr. ESCH. Mr. Chairman, I yield 10 minutes to the gentleman from New Hampshire [Mr. BURROUGHS].

The CHAIRMAN. The gentleman from New Hampshire is recognized for 10 minutes.

Mr. BURROUGHS. Mr. Chairman, I have no apology to make for taking 10 minutes of the time of this committee.

Mr. DIES rose.

The CHAIRMAN. Does the gentleman yield?

Mr. DIES. I make the point of no quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum.

Mr. WASON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WASON. The gentleman from New Hampshire [Mr. BURROUGHS] did not yield to the gentleman from Texas. Can he take him off the floor by making the point of no quorum?

The CHAIRMAN. The gentleman from New Hampshire will have his time. The point of no quorum has been made. The Chair will count. [After counting.] One hundred and two gentlemen are present, a quorum. The gentleman from New Hampshire [Mr. BURROUGHS] will proceed.

Mr. BURROUGHS. Mr. Chairman, I make no apology for taking 10 minutes of the time of the committee to call attention to some matters relating to Camp Greene, near Charlotte, N. C., the condition of which has already been adverted to by my colleague, Mr. WASON.

It is easier for me and much pleasanter to praise than to blame. I realize how easy it is to criticize those in positions of heavy responsibility. It is always easier to find fault than to take hold and do the job yourself. But I feel very strongly that it is due to the Members of the House that I should now state as accurately and precisely as I am able what my colleague and I actually saw at the camp at Charlotte on the occasion of our visit there on Saturday, February 16, 1918.

Camp Greene is located about 3 miles from the city of Charlotte, N. C., on somewhat rolling ground of slight elevation and having a surface soil of clay formation. This soil is almost completely impervious to water, and the effect of melting snow and recent rains there has been to make it a veritable bog. Mud is knee-deep in all the roads throughout the camp. As my colleague has stated, we had to wear rubber boots in order to get around at all. Water is standing in large pools and ponds all over the surface of the camp. No carriage or automobile could possibly get into the camp, much less make its way through it. I was informed by an officer that a few days before he had seen three mules so badly stuck in the mud that they had broken their legs trying to get out and had to be shot.

The gentleman from North Carolina [Mr. WEBB] has just spoken of the many things done by the city and people of Charlotte for this camp. I want to say in reply that what I am stating is not intended in the slightest degree to be any criticism of the city of Charlotte or of the good people who live there. I have no doubt all the gentleman stated concerning Charlotte and its inhabitants is perfectly true. What I say by way of criticism of conditions at Camp Greene goes to those who were directly and immediately responsible for locating and maintaining the camp there. I say that the great War Department of this Government is grievously at fault for its failure to provide adequate and proper sewerage facilities in a camp where

upward of 40,000 young men, the pick and pride of this country, are quartered to-day. That is what I find fault with. That is what I criticize.

There is not now and there has never been since the camp was established last summer any sewerage system whatever at Camp Greene. Dirty water from the kitchens and refuse of all kinds are thrown into ditches, and a good part of it remains there, because it can not get away and the clay soil will not absorb it. We were told that the garbage and refuse had been burned as long as they had sufficient wood for this purpose, but that for some time the supply of fuel had been short and that for this reason, as well as on account of the knee-deep mud in the roads, which had prevented garbage removal by the contractors, there had seemed to be no other method of disposition of the refuse, garbage, and kitchen water than the method adopted. We saw a number of old discarded latrines. They are still open and exposed and are filled with 6 or 8 feet of decaying, putrid, festering animal matter. When the warm weather comes, as it is likely to come any time in this southern climate, it takes no sanitary engineer or expert to predict what is going to happen. Flies are going to breed there in enormous quantities, and typhoid fever and diphtheria are likely to break out at any time.

Now, the gentleman from North Carolina [Mr. WEBB] tells us that the War Department is talking about putting in a sewerage system. That is all right, but it ought to have been done months ago. It ought to have been done, as it was done, at the northern cantonments, before the men were taken there at all. This work can not be done in a day, or a week, or a month. It is going to take a considerable length of time to install any kind of sewerage system at this camp. Meantime the warm weather will be on us, and everyone of those 40,000 men quartered in that camp will be in imminent peril of his life. I say it is up to the War Department to do something, and to do it now. If they can not install a proper sewerage system before the warm weather comes—and I am frank to say I do not see how this possibly can be done—I see nothing else to do than to remove these boys to some other camp. Certainly they must not be left there under conditions such as I have described.

What I am stating is of direct interest to pretty nearly every Member of this House, because, as I understand it, there are men at this camp from practically every State in this Union. I personally saw and talked with men from my own State, New Hampshire, from Maine, Vermont, and Massachusetts, as well as from Louisiana and many Central and Western States. They all told the same story. They are not complaining. I never saw a finer spirit amongst any body of men in all my life than I saw amongst all the men who are now living in the mud and water at Camp Greene. In this body of men there are, as I am informed, between 400 and 500 New Hampshire boys. They form the nucleus around which has been organized and built up what is now known as the First Headquarters Guard Regiment, consisting of approximately 3,300 men. They are as fine a body of men as were ever organized for military purposes. I was told by one of the officers of this regiment that about 80 per cent of them were either college graduates or came into the service from some college.

This New Hampshire regiment is located in what is obviously the most undesirable and dangerous site in the whole camp. They are on low land in close proximity to the ditches and latrines, which I have already referred to. No regiment ever ought to have been placed there, and there was no necessity for locating them there. I was informed that before the New Hampshire regiment was placed on this site other regiments protested against being located there and had been placed elsewhere. Certainly the New Hampshire regiment should be moved from this location without any delay. Neither they nor any other body of men ought to be compelled to live under such conditions another day, and I propose to immediately call the attention of this matter to the Secretary of War and ask for their removal.

The gentleman from North Carolina [Mr. WEBB] spoke about this camp being intended to be a temporary camp. That may be so, but what of it? I do not care whether it was intended to be temporary or permanent, I know that what I am telling you is an accurate statement of what I saw there last Saturday, and I was reliably informed by officers and men that the conditions for weeks before had been much worse than they were the day my colleague and I were there. Temporary or not, the camp has been there since last summer and bids fair to continue for some considerable time to come, and the fact is that, according to the statements of the gentleman from North Carolina [Mr. WEBB], the War Department is just now beginning to talk about putting in some sort of a sewer system. Suppose it was intended to be temporary, what provision, if any, did they make

for disposing of their garbage and sewage? I answer, none whatever at all adequate to the conditions which they knew existed there. They knew it was not a sandy soil that would easily absorb water. On the contrary, they knew that it was a clay soil on which water would stand for days and weeks. I say that under such circumstances it was inexcusable to provide no sanitary system for disposing of this dirty water and refuse. It was certainly incumbent upon the War Department before they took those boys away from their homes and brought them to this southern camp to provide all reasonably adequate means for protecting them after they arrived there.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. BURROUGHS. Yes.

Mr. SNYDER. I want to say that a month ago the father of a young man, a constituent of mine, went down there, and he told me that after he had visited the camp he had to go to a hotel and stay five hours while he had his overcoat and trousers cleaned.

Mr. BURROUGHS. I have no doubt of it, and I should probably have had the same experience if I had not worn rubber boots, which the officers had kindly provided me. As I have already stated, I was told again and again that conditions were much worse there three or four weeks ago than the day I was there.

Mr. GILLETT. If the gentleman will allow me, when was that camp established?

Mr. BURROUGHS. Some time in the summer; I can not tell exactly when. I know that the New Hampshire boys have been there since November.

Now, let me tell you another thing. We were told, not only once, but several times, that until a few days before we were there these boys in the New Hampshire regiment had been sleeping on their cots, without any wooden flooring in their tents. In other words, until within a few days before we went down there they were sleeping on their cots, which stood in mud 3 to 6 inches deep. More than that, we were also told that no bathing facilities whatever had been furnished them by the Government since they came to this camp last November. I ask leave to extend my remarks in the Record by printing a report of the Surgeon General of the United States, which report will verify what I am saying.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. LUFKIN. Will the gentleman yield?

Mr. BURROUGHS. I yield to the gentleman.

Mr. LUFKIN. Are any shower baths installed there?

Mr. BURROUGHS. Absolutely no shower baths, as I am informed. Certainly the New Hampshire boys had none, and I understand there are no facilities for shower baths, or, in fact, any kind of a bath, furnished by the Government. I understood that the Maine regiment had rigged up some sort of arrangement for themselves, where they had four little pipes that they could go under and get something like a shower bath. Others may have adopted similar expedients; I do not know about that. What I mean to say is that, at least so far as the New Hampshire regiment is concerned, the Government of the United States has furnished them no bathing facilities whatever since they came to Camp Greene last November.

Mr. LUFKIN. If a man wants to get a bath, what does he do?

Mr. BURROUGHS. He goes either to the Young Men's Christian Association building at Charlotte, 3 miles away, or to some private house in the city. I want to say that my information is all to the effect that the townspeople generally have been most cordial and kind to these boys.

Mr. GANDY. Where do they get the drinking water for that camp?

Mr. BURROUGHS. Drinking water is obtained from the city of Charlotte. I understand there is no criticism whatever in regard to the drinking water or in regard to the food. So far as I can I want to praise conditions at the camp. The drinking water is all right and the food is all right. The men have plenty of it, and it seems to be good.

I found that the New Hampshire boys had not sufficient equipment. They seemed to have had sufficient clothing, including uniforms, shirts, shoes, overcoats, and other wearing apparel, but they were short in the so-called ordnance equipment, by which I mean rifles, belts, packs, pack carriers, and so forth. This regiment is organized for headquarters guard duties, and there might be some excuse for not equipping it with machine guns and other implements of modern trench warfare.

There can, however, be no excuse for not furnishing them with full equipment of rifles and the other ordnance equipment referred to. This has not been done. The men of this regiment

have substantially no rifles. The captain of one company, when I asked him how many rifles he had, replied: "I have four men now doing guard duty. Each of those has a rifle, and there in the rear of the tent you see all the rest we have." I looked where he pointed and counted the rifles, and there were just 14. Another captain told me he had 35 rifles for 242 men. I was informed that one battalion, consisting of about 1,000 men, had just 115 rifles. These rifles which the men have are not the modern rifles used at the front but are the old discarded and condemned Springfield rifles. They may be all right for the manual but can not be used at all for range practice. As I understand, they are not available for rifle practice. Gen. Pershing has recommended that before these men go to France they shall be instructed in range firing, and it is an utter impossibility for them to have this practice with the rifles they now have. Right here, let me say, that I feel considerable anxiety for the company commanders of this regiment, and, in fact, all regiments not suitably equipped. My understanding is that present Army regulations place entire responsibility for the training of the men upon the company commander. Also, I understand that when called to account for the lack of training of their men, it is no answer or excuse for the commander to say that he has not been supplied with adequate equipment. Especially is this likely to be the fact in view of the impression given by the Secretary of War that there are rifles enough. Whatever may be the condition with other regiments at Camp Greene, with respect to rifles, and whatever may be the condition at other camps in this regard, I state here and now, upon my own responsibility, that the men who compose the First Headquarters Regiment at Camp Greene have no adequate supply of rifles. I further state that the officers of this regiment made requisition months ago for rifles and other ordnance equipment and were informed that such equipment was already on the way and would soon be received. This was in December last. Shortly thereafter some equipment was received, but when the officials came to check it up with what they had requisitioned they found that instead the rifles, belts, packs, pack carriers, and other supplies and equipment they needed, and which had been asked for, all that had been actually sent them were mess pans and currycombs. [Laughter and applause.]

We also learned that men constituting the First Headquarters Guard Regiment at Camp Greene had had no opportunity for drill since sometime in December. I can not see how it would be possible for any man to drill under such conditions as I saw them at the camp last Saturday. Personally I had to have assistance in order to walk over the roads and paths of the camp, in order to maintain my footing in the mud and water.

Another matter that was forcibly brought to our attention on this visit was the overcrowding in the tents. The men all live in canvas tents about 16 feet square. Gen. Gorgas, the Surgeon General of the Army, has from the beginning repeatedly, and with great emphasis, urged and recommended in his official reports to the War Department that not more than five men be quartered in a tent. This would give them 50 square feet of floor space to each man, which he says is essential for the health and well-being of the men. Instead of that we found eight, and in one instance I counted nine cots in a single tent. My information was that this is the general condition throughout the camp, and I find this is confirmed by the official report made by the Surgeon General to the War Department on February 12.

I am glad to be able to state that in spite of the insanitary conditions referred to the sick rate at this camp has not been unusual. The hospitals are not overcrowded at the present time. We were informed, however, that there was a lack of medical supplies at the regimental hospital of the First Headquarters Guard Regiment. I did not, however, understand that this had been a matter of long continuance.

The only method of heating the tent is through the small field ranges, which are conical-shaped stoves about 2 feet high, and standing on a base about a foot in diameter. In these the men have been obliged to burn green wood which they have had to cut themselves, and my information is that there is a shortage even of this fuel at the present time. These ranges, as the Surgeon General states, are uneconomical and smoke indoors with any sort of wood fuel.

The great thing that I complain about at Camp Greene is the insanitary condition throughout the camp, due, in large measure, to the utter lack of any system for the disposal of sewage. This, I say, is without excuse. It is shameful. It is a disgrace to this great Government. Here are more than 40,000 men, the pick and flower of the young manhood of this country, ready to lay down their lives, if necessary, in defense of their country. All they ask is, if they have to lay down their lives, they may be allowed to do it on the field of battle under their country's flag

and fronting their country's foes. [Applause.] They do not want and the Government of the United States has no right to ask the boys to die ignominiously like rats in a mud pen. I can not too strongly emphasize my conviction that the conditions at Camp Greene, as my colleague and I saw them last Saturday, call loudly for instant and radical remedy. Whatever may be necessary or advisable elsewhere, there should be no further "watchful waiting" at Camp Greene.

In further substantiation of the statements I have made I present the official report of W. C. Gorgas, Surgeon General, United States Army, to the Secretary of War, dated February 12, 1918, four days before our visit to this camp. This report is taken from the Official Bulletin of February 14, 1918, and reads as follows:

REPORT OF GEN. GORGAS.

FEBRUARY 12, 1918.

Memorandum for the Secretary of War.

The wet weather and character of the soil at Camp Greene, Charlotte, N. C., together with the temporary nature of the camp, have brought about conditions which I wish to call to your attention and which may be summarized as follows from the last two reports of sanitary inspections of the camp:

GARBAGE REMOVAL STOPPED BY MUD.

Knee-deep mud has interfered with garbage removal by contractors, and quantities have been dumped or buried because of shortage of fuel for burning it.

Limited facilities for heating water for bathing over a period of several months has resulted in the men becoming dirty.

Water from the kitchens, baths, and overflowed latrines is removed by ditches, surface drainage, or stands in pools. The character of the soil will make it slow to dry out and, with the advent of warm weather, flies and other insanitary conditions may be anticipated.

The dirt floors of the kitchens will breed flies; the field ranges in use are uneconomical and smoke indoors with any wood fuel.

Shortage of supplies has held back the work on the detention camp for contacts until its overcrowded condition has led to the establishment of quarantine areas in the regiments; but reports upon this indicate that completion of the detention camp is preferable to continuation of the latter plan, especially since sufficient tent space and separate latrines and mess halls have not been available to make the regimental quarantine absolute in the areas set aside.

Work has been held up on the additional quarters for nurses by failure of material to arrive, and the same has affected progress on reconstruction of the operating and laboratory buildings of the base hospital, which were recently destroyed by fire.

Overcrowding to the extent of eight men to a tent, and occasionally more, is reported.

SICK RATES NOT NOTABLY HIGH.

Sick rates at Camp Greene are not notably high, and measles and pneumonia cases appeared on the decline at the last report; but the unsanitary conditions mentioned should be corrected without delay to prevent increased sickness and mortality which may result from their continuance.

It has been recommended that additional tentage be supplied the commanding general, Camp Greene, to enable him to quarter all men on the basis of five to a tent instead of eight. It is understood that this recommendation has been approved.

The immediate necessity, Camp Greene, is the installation of a sewer system for the entire camp, which is again urgently recommended.

W. C. GORGAS,

Surgeon General, United States Army.

Mr. ESCH. Mr. Chairman, I yield 20 minutes to the gentleman from California [Mr. HAYES].

Mr. DIES. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point that no quorum is present. The Chair will count. [After counting.] Eighty Members present, not a quorum, and the Clerk will call the roll.

Mr. BARKLEY. Mr. Chairman, I move that the committee do now rise.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. MAPES. Mr. Chairman, I demand a division.

Mr. GARRETT of Texas. Mr. Chairman, I make the point that the demand for a division is dilatory. The Chairman had announced the result.

The CHAIRMAN. The Chair thinks that the gentleman is within his rights. The question is, Shall the committee rise? A division is demanded.

Mr. SIMS. Mr. Chairman, I move in all good faith that the committee rise.

The CHAIRMAN. That is the very proposition on which the committee is dividing.

The committee divided; and there were 56 ayes and 5 noes.

So the committee determined to rise.

Accordingly the committee rose; and Mr. CRISP having taken the chair as Speaker pro tempore, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9685) for the operation of transportation systems under Federal control, and had come to no resolution thereon.

Mr. SIMS. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. DIES. I object.

Mr. SIMS. Mr. Speaker, I move that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER pro tempore. That motion is not in order.

Mr. SIMS. I thought so myself when I made it.

Mr. DIES. Mr. Speaker, I make the point that no quorum is present.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned until to-morrow, Saturday, February 23, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting a tentative draft of bill "To amend section 13 of article 8 of section 1624 of the Revised Statutes of the United States, relative to the receipt on board a vessel of the Navy of goods, merchandise, or treasure, for freight or safe-keeping" (H. Doc. No. 954); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting tentative provisions of legislation relating to pay and indemnity of naval aviators (H. Doc. No. 957); to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 1546) "To permit the use of certain refined products of petroleum as stores on steam vessels carrying passengers," reported the same without amendment, accompanied by a report (No. 335), which said bill and report were referred to the House calendar.

Mr. MAHER, from the Committee on Labor, to which was referred the bill (H. R. 9683) "To employ prison labor for the production of war supplies and to authorize their purchase by the Federal Government; to regulate the compensation and hours of prison labor and fix standards; to prohibit the purchase of war supplies manufactured by prison labor under private contract; to limit the effect of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by prison labor or in any prison or reformatory; and to equip the United States penitentiaries and the United States Army prisons and disciplinary barracks and the United States naval prisons for the manufacture of supplies for the use of the Government; for the compensation of the prisoners for their labor; and for other purposes," reported the same without amendment, accompanied by a report (No. 336), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McKEOWN: A bill (H. R. 10159) to discharge from military service soldiers having dependents requiring their support; to the Committee on Military Affairs.

By Mr. STEELE: A bill (H. R. 10160) authorizing the several district courts of the United States to appoint official stenographers and prescribing their duties and compensation; to the Committee on the Judiciary.

By Mr. ANTHONY: A bill (H. R. 10161) granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 10162) to provide further for the national security and defense by regulating rents of real estate in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McCLINTIC: A bill (H. R. 10163) to define necessary skilled labor engaged in necessary agricultural enterprise for the purposes of the selective draft, and to provide for the deferred classification of such labor; to the Committee on Military Affairs.

By Mr. RIORDAN: A bill (H. R. 10164) making an appropriation for the improvement of the Arthur Kill River, N. Y.; to the Committee on Rivers and Harbors.

By Mr. PARK: A bill (H. R. 10165) to define necessary skilled labor engaged in necessary agricultural enterprise for the purposes of the selective draft, and to provide for the deferred classification of such labor; to the Committee on Military Affairs.

By Mr. MASON: A bill (H. R. 10166) to grant the survivors of the Civil War and the War with Spain, or the widows or minor children of such soldiers, a land warrant in lieu of the homestead grant; to the Committee on Pensions.

By Mr. STEENERSON: Resolution (H. Res. 256) directing that there shall be printed 1,600 copies of the hearings before the Director of the Bureau of Markets, December 27, 1917, relating to the official grain standards of the United States; to the Committee on Printing.

By Mr. CLARK of Missouri: Memorial of the Legislature of the State of Montana favoring the appropriation of \$750,000 for the Flathead irrigation project for the ensuing year; to the Committee on Indian Affairs.

By Mr. GALLIVAN: Memorial of the Legislature of the State of Massachusetts, favoring the creation of a league of nations to safeguard permanent peace upon the termination of the present war; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Massachusetts, favoring the ratification of regulations establishing a closed season on water fowl; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 10167) granting an increase of pension to Eli Pealer; to the Committee on Invalid Pensions.

By Mr. CARAWAY: A bill (H. R. 10168) granting a pension to J. P. Dooley; to the Committee on Pensions.

By Mr. DENTON: A bill (H. R. 10169) granting an increase of pension to Garrison J. Jaques; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 10170) granting a pension to James W. Hall; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 10171) for the relief of Alonzo Hannis, alias Albert Webb; to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 10172) granting a pension to Mary Morgan; to the Committee on Pensions.

By Mr. KREIDER: A bill (H. R. 10173) granting a pension to Sarah L. Seltzer; to the Committee on Invalid Pensions.

By Mr. LESHER: A bill (H. R. 10174) granting an increase of pension to Charles G. Mack; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 10175) for the relief of John Berrin; to the Committee on Military Affairs.

By Mr. NOLAN: A bill (H. R. 10176) granting a pension to Mary L. Greenwood; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 10177) granting an increase of pension to George Barrows; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 10178) granting a pension to John Osborn; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 10179) granting an increase of pension to James C. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10180) for the relief of Charles Springer; to the Committee on Military Affairs.

By Mr. SNOOK: A bill (H. R. 10181) granting an increase of pension to James I. Sherwood; to the Committee on Pensions.

By Mr. ZIHLMAN: A bill (H. R. 10182) granting an increase of pension to Charles E. Welker; to the Committee on Pensions.

By Mr. TOWNER: A bill (H. R. 10183) granting a pension to Clara S. Ickis; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 10184) granting an increase of pension to William W. Counts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10185) granting a pension to Hattie E. Kerst; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petition of 20 women students of the University of Michigan; also resolutions of the Browning Club, Athens, Tenn.; the Arkansas Press Association; Abingdon (Ill.) Woman's Club; and the West Pullman Woman's Club, Chicago, Ill., asking for the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. CLARK of Pennsylvania: Petition of A. F. Young Burgess, president of the council; H. D. Johnson, clerk of the council; F. W. Casler, and 18 other residents of Union City, Pa., praying for the passage of House bill 7995, for the preservation of the *Niagara*, Commodore Perry's flagship in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. DALE of New York: Petition of 20 women students of the University of Michigan; also resolutions of the West Pullman Woman's Club, Chicago, Ill.; the Abingdon Woman's Club, Abingdon, Ill.; the Browning Circle, Athens, Tenn.; and the Elective Study Club, Minneapolis, Minn., asking for the repeal of the periodical postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. DALE of Vermont: Petition of the First Division, Vermont Branch, Railway Mail Association, favoring the increase of compensation of railway-mail clerks, as provided in House bill 9414; to the Committee on the Post Office and Post Roads.

By Mr. FULLER of Illinois: Petition of the Westminister Association of the University of Michigan, for repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. HILLIARD: Resolutions adopted by Mount Garfield Lodge, No. 349, Brotherhood of Railroad Trainmen, protesting against legislation designed to place transportation employees under Federal workmen's compensation; to the Committee on Labor.

Also, resolutions adopted by the Farmers' Cooperative Grain Dealers' Association of Iowa, protesting against any legislation designed to guarantee dividends to railroads during the period of Federal control; to the Committee on Interstate and Foreign Commerce.

Also, petition of H. Horwitz and M. Ball, of Denver, Colo., praying for the repeal of that section of the war-revenue act providing for increased postage rates on periodicals; to the Committee on Ways and Means.

By Mr. LOBECK: Petition of the Nebraska Improved Live Stock Breeders' Association, recommending the provision in the Agricultural appropriation bill for the prevention of tuberculosis among live stock; to the Committee on Agriculture.

By Mr. MAHER: Resolution of the Brooklyn Surgical Society, favoring House bill 9563, advancing the rank of medical officers in the Army; to the Committee on Military Affairs.

Also, memorial of the heads of the various organizations of railroad employees asking that no definite time be set for the return of the railroads to their owners; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the New York State Forestry Association, favoring Senate bill 3344, establishing a plant quarantine on imported plants; to the Committee on Agriculture.

By Mr. STINESS: Petition of the League of Improvement Societies of Rhode Island, favoring the passage of the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, resolutions offered at a mass meeting, held at Pawtucket, R. I., under the joint auspices of the Young Men's Christian Association and the Rhode Island Anti-Saloon League, favoring the complete suppression of the liquor traffic, either by the President under the power granted to him by Congress or by further legislation; to the Committee on Agriculture.

By Mr. TEMPLE: Petition of the Chartiers Presbyterian Church, Canonsburg, Pa., favoring an amendment to the Constitution of the United States, prohibiting polygamy; to the Committee on the Judiciary.

Also, petition of the council of the city of Pittsburgh, Pa., favoring the further improvement of the Ohio River and the passage of a bill providing for the construction of the Lake Erie-Ohio River Canal; to the Committee on Rivers and Harbors.

By Mr. TILSON: Petition of the New England Tobacco Growers' Association, concerning the limitation of tobacco growing; to the Committee on Agriculture.

By Mr. VARE: Petition of the Women's Trade-Union League of Philadelphia, protesting against insanitary conditions at the Frankford Arsenal; to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 23, 1918.

The House met at 12 o'clock noon.

Rev. Earle Wilfley, pastor of Vermont Avenue Christian Church, Washington, D. C., delivered the following prayer:

Almighty and most merciful God, our Heavenly Father, whose we are and whom we serve, we would begin each day's duties rightly, and therefore do we plead for Thy divine guidance upon the session of this day. We pray, Heavenly Father, that into our minds may be put the truth that makes men free, into our hearts the human kindness that makes men loving, and the justice that is over all. We pray, Heavenly Father, that as we go on the journey we may have the guidance of Thine eye, the strength of Thine Almighty arm. Bless this distressed globe; especially bless our own beloved land. Put wisdom into the hearts and minds of those in power in the halls of legislation, in the marts of trade, and in the great thought of the people. We pray, Almighty God, that each man in his own way and in his own time may deal justly with his fellow man, so that to-day, Heavenly Father, we do pray that justice and right may prevail; that from the session of this day good may follow; from the minds of these men, Thy servants, the leaders of our people, may go that which will strengthen us in the eyes of the world, and win Thy approval. Bless all that may be dear to us as individuals and as representatives of a great free people, and in our relation to our brother man, in our relation to the nations of the world, may there be such exact and even justice, such cordial and sympathetic friendship, as that in the ages to come generations unborn may look back and say, The deeds of those great days were well done. God hear us, answer us in Thy wisdom, and to Thine own Divine end we ask, for Thy name's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

QUESTION OF PRIVILEGE.

Mr. WALSH. Mr. Speaker, I rise to a question of the privileges of the House.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Mr. Speaker, in the Record of February 19, 1918, under permission granted to the gentleman from Kentucky [Mr. Powers] on February 6, appears an extension of remarks, a part of which are the remarks made by the gentleman from Kentucky [Mr. Powers] upon the alien-slacker bill, so called. The greater part of the extension consists in—

Mr. LANGLEY rose.

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. LANGLEY. I desire to make a suggestion to the gentleman from Massachusetts.

The SPEAKER. Does the gentleman from Massachusetts yield?

Mr. WALSH. Yes.

Mr. LANGLEY. I want to call the gentleman's attention to the fact that my colleague, Mr. POWERS, is not here this morning. I do not know whether he will be here to-day or not, but I suggest to the gentleman that it would seem better, and especially in view of the fact that there is no need of action on this matter immediately, that he wait until Mr. POWERS can have an opportunity to be present, so that he may say whatever he desires to say in answer to the comments of the gentleman from Massachusetts or of anyone else who may discuss the proposition the gentleman is raising.

Mr. WALSH. Mr. Speaker, if the colleague of the gentleman from Kentucky, Mr. POWERS, can give me any information as to when he thinks he will be here, I will be glad to have him do so.

Mr. LANGLEY. I can not. I have not seen my colleague from Kentucky to-day. I do not suppose he knows that this matter is to be brought up. I am acting entirely on my own initiative and on what seems to me to be the proper course. I feel it my duty to make the suggestion I have, and that is as far as I can go.

Mr. WALSH. Mr. Speaker, I have no desire to seem to be taking advantage of the gentleman from Kentucky in any way, and at the suggestion of his colleague I desire to say that I am willing to forego raising this question at this time, but I wish to give notice that I shall bring it up on Monday or Tuesday of next week.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the follow-